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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A REPORT OF THE SECRETARY OF STATE,

IN RELATION

TO INDIVIDUALS SELECTED FROM AMERICAN PRISONERS OF WAR,

AND

SENT TO GREAT BRITAIN FOR TRIAL,

AND ALSO, IN RELATION

TO ANY ORDERS FOR RETALIATION, &c. &c.

April 16, 1814
Printed by order of the senate of the United States.

WASHINGTON CITY:

PRINTED BY ROGER C. WEIGHTMAN.

1814.

IN SENATE

OF

THE UNITED STATES,

April 16, 1814.

Resolved, That the message of the president of the United States, and the accompanying documents this day received, together with the resolutions which called for the information contained in the message, be printed.

Attest, SAM. A. OTIS, *secretary*.

February 2, 1814.

Resolved, That the president of the United States be requested to cause to be laid before the senate a statement of the names of the individuals selected from American prisoners of war and sent to Great Britain for trial, as mentioned in his message at the commencement of the present session of congress; and also, their respective places of residence in the United States, with the times when and the courts where they were admitted to become citizens of the United States, and the regiments or corps to which they belonged in the service of the United States when taken by the enemy, and the times and places of their being so taken, together with copies of any official correspondence respecting the treatment of prisoners of war, and any orders for retaliation on either side, which the president may judge proper to be communicated.

Resolved, That the president of the United States be requested to cause to be laid before the senate such information as he may possess, calculated to show what has been the practice of Great Britain concerning her native subjects naturalized in other countries and taken in arms against her; also, what is the general practice of the nations of Europe relative to the naturalization or employment in war between two nations of the native subjects of each other.

Resolved, That the president of the United States be requested to cause to be laid before the senate such information as he may possess, of the cases, with their circumstances, in which any civilized nation has punished its native subjects taken in arms against her, and for which punishment, retaliation has been inflicted by the nation in whose service they were taken.

Resolved, That the president of the United States be requested to cause to be laid before the senate such information as he may possess, calculated to show under what circumstances, and on what grounds Great Britain has been in the practice of refusing to discharge native citizens of the United States impressed into her service.

Resolved, That the president of the United States be requested to cause to be laid before the senate such information as he may possess, calculated to show what has been the conduct of Great Britain relative to American seamen on board her ships of war, at and since the commencement of the war with the United States.

MESSAGE.

TO THE SENATE OF THE UNITED STATES.

I transmit to the senate a report of the secretary of state, complying with their resolutions of the 2d of February and 9th of March.

JAMES MADISON.

April 16th, 1811.

REPORT.

The secretary of state, to whom was referred several resolutions of the senate of the 2d July and 9th March last, has the honor to submit to the president the following

REPORT:

Although these resolutions are of different dates, and refer to subjects, in some respects, distinct in their nature, yet, as they are connected in others of considerable importance, which bear essentially on the conduct of both parties in the present war, it is thought proper to comprise them in the same report.

The first of these resolutions calls for the names of the individuals who were selected from the American prisoners of war, and sent to Great Britain for trial; their places of residence in the United States; the times when, and the courts by which they were admitted to become citizens; the regiments to which they belong; when and where they were taken; with copies of any official correspondence respecting the treatment of prisoners of war, and of any orders for retaliation on either side.

The other resolutions request information of the conduct of Great Britain towards her native subjects taken in arms against her, and of the general practice of the nations of Europe relative to naturalization, and the employment in war, each, of the subjects of the other; of the cases, with their circumstances, in which any civilized nation has punished its native subjects taken in arms against it, for which punishment retaliation was inflicted

by the nation in whose service they were taken. And lastly,

Under what circumstances, and on what grounds, Great Britain has refused to discharge native citizens of the United States impressed into her service; and what has been her conduct towards American seamen on board her ships of war, at and since the commencement of the present war with the United States.

The paper marked A, contains the names of the American prisoners who were sent to England for trial by the British commander in Canada; of the corps to which they belong; of the times when, and of the places where, they were taken; of their places of residence in the United States; of the times and the courts in which they were admitted to become citizens, there is no evidence in this department; nor is there any to show whether they were naturalized or native citizens of the United States. This paper contains, also, a copy of the orders of both governments for retaliation, and of the correspondence between their respective commissaries concerning the treatment of prisoners.

The paper marked B, states various grounds on which the British government has refused to deliver up American seamen, impressed into the British service, on the application of the agents of the United States, regularly authorised to demand them, with the correspondence relating to the same. It communicates also, such information as this department has been able to obtain, of the conduct of the British government towards American seamen on board British ships of war, at, and since the commencement of the present war. Among the causes assigned for their detention, the following are the most deserving of notice:

1. That they had no documents, or that their documents were irregular.
2. That they were released from prison in Gottenburg.
3. That they were exchanged as British subjects.
4. Were said to be impostors.
5. To have married in England.
6. Did not answer the descriptions given of them in their protections.
7. Had attempted to desert.
8. Were sent into the service for smuggling.
9. Were not to be found on board of the ship stated.
10. Had voluntarily entered into the British service.
11. Were natives of foreign countries, Prussia, Sweden, Italy, &c.

It is possible that some of the seamen, whose discharges were demanded, may not have been native citizens of the United States, but very presumable that the greater part were. Indeed the pretext assigned for their detention seems to admit it. Had they been native subjects of England, being there, their origin might have been traced. But that is the ground in few instances only. In urging that some had no protections, or that their protections were irregular; that others had been exchanged as British prisoners; were impostors; had attempted to desert; did not answer the protections given them; were natives of Prussia, Sweden, &c. it is fairly to be inferred, that the public authority in England, to whom this duty is assigned, sought rather to evade the application, than to justify the refusal. The pretext that some were natives of Prussia, Sweden, &c. deserves particular attention. On this circumstance the secretary will

remark only, that in extending impressment, in American vessels, to persons who could not be mistaken for British subjects, and refusing to surrender them, on application, to the voluntary service from which they were taken, it is evident that the recovery of the British seamen has not been the sole object of the practice.

By the report of the American commissary of prisoners in England, it appears that a considerable number of our seamen had been transferred from British ships of war to prisons; that their exchange for British seamen taken in battle was demanded, in the first instance, but that that claim seems to have been since waived. It might have been expected that the British government, on being satisfied that these men, or that any of them were American citizens, would have liberated and sent them home at its own charge. They are, however, still held prisoners in confinement. That many of them, if not all, are native citizens, cannot be doubted; for had the proof not been irresistible, it cannot be presumed, while so many others are detained on board British ships of war, that these would have been exempted from that service. That many are still detained on board British ships of war, may be fairly inferred, even without other evidence, from the indiscriminate manner of British impressment; from the distant service in which the men, thus impressed, are often necessarily employed, depriving their friends of an opportunity to communicate with them; and from the inconsiderable number discharged, compared with that which has been demanded. Without relying altogether on the reports heretofore made to congress by this department, the letter of commodore Rodgers, hereunto annexed, affords data from which an estimate may be formed. On this

point the correspondence between general Taylor and the captain of the British ship the Dragon, and commodore Decatur and commodore Capel, deserve also particular attention. If the British government would order a strict search to be made through the British navy, for American seamen, it would then be seen how many of our native citizens have participated in the lot of the unfortunate men mentioned in the correspondences referred to.

The contrast which these documents present, in the pretensions and conduct of Great Britain, with the pretensions and conduct of the United States, cannot fail to make a deep impression in favor of the latter. The British government impresses into its navy native citizens of the United States, and compels them to serve in it, and in many instances, even to fight against their country, while it arrests as traitors and menaces with death, persons suspected to be native British subjects, for having fought under our standard, against British forces, although they had voluntarily entered into our army, after having emigrated to the United States, and incorporated themselves into the American society. The United States, on the other hand, have forced no persons into their service; nor have they sought, nor are they disposed to punish, any, who, after having freely emigrated to any part of the British dominions and settled there, may have entered voluntarily into the British army.

The remaining inquiries relate to objects, other than the immediate conduct of the parties in the present war. They demand information of the conduct of Great Britain, and of other powers in past times, without limitation in the retrospect, in circumstances bearing on the question of retalia-

tion. The information required relates to the following points:

1. The conduct of Great Britain and the other nations of Europe, as to naturalization, and the employment in war, each, of the subjects of the other.
2. As to the punishment of their native subjects taken in arms against them in the service of other powers.
3. Examples of retaliation by the latter in such cases.

These inquiries necessarily involve an extensive research into the history and jurisprudence of the nations of Europe. For so important a task, the other duties of the secretary of state have altogether disqualified him since the call was made. The approaching close of the session does not leave him time for more than the following observations:

That all the nations of Europe naturalize foreigners:

That they all employ in their service the subjects of each other, and frequently against their native countries, even when not regularly naturalized:

That they all allow their own subjects to emigrate to foreign countries:

That although examples may be found of the punishment of their native subjects taken in arms against them, the examples are few, and have either been marked by peculiar circumstances, taking them out of the controverted principle, or have proceeded from the passions or policy of the occasion. Even in prosecutions and convictions having the latter origin, the final act of punishment has, with little exception, been prevented by a sense of equity and humanity, or a dread of retaliation. It is confidently believed, that no in-

stance can be found, in which the alleged purposes of the enemy against the twenty-three prisoners in question, under all the circumstances which belong to their case, even should any of them not have been regularly naturalized, are countenanced by the proceedings of any European nation:

That if no instances occur of retaliation, in the few cases requiring it, or in any of them, by the governments employing such persons, it has been, as is presumed, because the punishment which had been inflicted by the native country, might be accounted for on some principle, other than its denial of the right of emigration and naturalization. Had the government, employing the persons so punished by their native country, retaliated in such cases, it might have incurred the reproach, either of countenancing acknowledged crimes, or of following the example of the other party in acts of cruelty, exciting horror, rather than of fulfilling its pledge to innocent persons in support of rights fairly obtained, and sanctioned by the general opinion and practice of all the nations of Europe, ancient and modern.

All which is respectfully submitted.

JAMES MONROE.

Department of state, April 14, 1814.

The president of the United States.

A

LIST of 23 American soldiers, belonging to the 1st, 6th, and 13th United States' regiments, captured at Queenstown, in Upper Canada, on the 13th October, 1812, and sent to England for trial, on pretext of being British subjects, viz.:

Henry Kelly,
Henry Blaney,
George M'Cammon,
John Dolton,
Michael Condin,
John Clark,
Peter Burr,
Andrew Doyle,
John M'Gowan,
James Gill,
John Fulsum,
Patrick M'Braharty,
Matthew Mooney,
Patrick Karns,
John Fitzgerald,
John Wiley,
John Donnely,
John Curry,
Nathan Shaley,
Edward M'Garigan,
John Dinnue,
John Williams,
George Johnson.

Office of commissary general of prisoners,

April 13, 1814.

Sir,

In obedience to your instructions, under the resolution of the senate of the United States, of the 9th of February, I have the honor to transmit you copies of the orders for retaliation, which have issued from this office, and of such orders of like nature, on the part of the enemy, as have been received; together with copies of such official correspondence as has been held with the agents of the enemy, or other persons, in direct relation to the treatment of prisoners of war. With these are filed, the official letters and papers, furnished

me from time to time, by any of the departments of the government, which are connected with either subject.

Each case, for the greater facility of reference, has been made up separately, without regard to dates, other than those of the papers immediately belonging to it. The cases marked from A to K, relate to the treatment of prisoners, on account of which, retaliation has been resorted to, by one or both parties. The cases marked L, relate to the treatment of prisoners, for which measures of retaliation have not yet been used by either party.

In the case A, five of the men of the American sloop of war Nautilus, were sent back from England to Halifax, and restored to the ordinary state of prisoners, when ten of the men of the British ship Guerrier, confined to answer for them at Boston, were immediately released. The sixth man of the Nautilus has not yet been accounted for. Two men of the Guerrier are held as hostages for him.

In the case B, the six men of the American private armed vessel Sarah Anne, confined at Jamaica, and threatened with trial, were given up. As soon as this fact was made known, the 12 British seamen set apart and confined at Charleston on their account, were released, and placed among the prisoners for exchange.

In the case C, commencing with 23 prisoner soldiers of the United States' army, transported by the enemy to England for trial, on pretext of being British subjects, all the officers and soldiers designated in retaliation, on either side, are yet held as hostages; although a partial relaxation has taken place on the part of the enemy, as well in regard to the manner of confinement of some of

our officers, as in giving limited paroles. These departures from the first measures of severity, it will be seen, have been fully met by corresponding acts of indulgence to their officers, similarly situated

In the case D, Thomas King, one of the two American seamen confined at Bermuda, having, by singular enterprise and good fortune, effected his escape from the prison ship, and reached his country again in safety, after navigating the ocean for nine days, alone, in an open boat, the two British seamen in confinement on his account, were released from the condition of hostages. John Stevens being still under accusation, in the hands of the enemy, the two men selected to answer for his safety are yet so held.

In the case E, it was regularly announced during last winter, that captain Nicholls was then considered by the enemy as an ordinary prisoner of war in their hands. So soon as it was known that the accusations brought against him were withdrawn, one of the British captains allotted to answer, in his person, for the safety and proper treatment of captain Nicholls, was released from confinement, and admitted to parole. The other British captain has been retained in the same sort of confinement to which captain Nicholls is yet subjected. It will be perceived, that, latterly, it has been agreed, that they both be released and exchanged against each other.

In the case F, it having been communicated on the part of the enemy, that the 16 American maritime officers and seamen confined at Halifax in dungeons, had been removed to more airy and wholesome prison rooms—first, the officers, and then the men; and that their confinement, in other

respects, had been made less rigid, the same mitigated course, step by step, was taken here with regard to their officers and men who, in retaliation, had been subjected to a like severe treatment. As to the 101 American seamen sent to England, as first stated by the agents of the enemy, for trial, the cause for so sending them was soon after disavowed, as to 83 of them. As many British seamen held against them were then returned to the ordinary state of prisoners. There yet remain 18 in close custody, subject to whatever treatment the enemy may use toward that number of our seamen of this class not satisfactorily account for.

For the 59 American soldiers picked out and sent to England, first, on the plea of being British deserters, and then (this having been abandoned) that they had given themselves up as British subjects, 59 British soldiers are yet held in separate and close confinement.

In the case G, of Joshua Penny; H, of John Swanton; I, of Thomas Goldsmith; and K, of Witmore Knaggs, for the proper treatment and safety of each of whom, a British prisoner of corresponding rank and condition, has been designated and confined; no relaxation having taken place on the other side, the several hostages so designated, are yet held, to answer, respectively, in their persons, for the ultimate measures of the enemy.

With very great respect,

I have the honor to be, sir,

Your most obdt servt.

J. MASON.

The hon. James Monroe,

secretary of state.

A

CASE OF SIX MEN OF THE NAUTILUS.

Halifax, 30th September, 1812.

SIR,

Having received information that a most unauthorised act has been committed by commodore Rodgers, in forcibly seizing twelve British seamen, prisoners of war, late belonging to the Guerriere, and taking them out of the English cartel brig Endeavour, on her passage down the harbor of Boston, after they had been regularly embarked on board of her for an exchange, agreeable to the arrangements settled between the two countries, and that the said British seamen, so seized, are now detained on board the United States' frigate President, as hostages. I feel myself called upon to request, sir, your most serious attention to a measure so fraught with mischief and inconvenience, destructive of the good faith of a flag of truce, and the sacred protection of a cartel. I should be extremely sorry that the imprudent act of an officer should involve consequences so particularly severe as the present instance must naturally produce if repeated; and although it is very much my wish, during the continuance of the differences existing between the two countries, to adopt every measure that might render the effect of war less rigorous, yet, in another point of view, the conviction of the duty I owe my country would, in the event of such grievances as I have already stated being continued, not admit of any hesitation in retaliatory decisions; but, as I am strongly persuaded of the high liberality of your sentiments, and that the act complained of has originated entirely with the officer who committed it, and that it will be as censurable in your consi-

deration as it deserves, I rely upon your taking such steps as will prevent a recurrence of conduct so extremely reprehensible in every shape.

I have the honor to be, &c.

(Signed) JOHN BORLASE WARREN.

His excellency James Monroe, esq.
secretary of state.

Department of state, October 28, 1812.

SIR,

I have had the honor to receive your letter of the 30th September, complaining that commodore Rodgers, commanding a squadron of the United States' navy at the port of Boston, had taken twelve British seamen, lately belonging to his Britannic majesty's ship the Guerriere, from a cartel in the harbor of Boston, and that he detained them on board the President, a frigate of the United States, as hostages.

I am instructed to inform you, that inquiry shall be made into the circumstances attending, and the causes which produced the act of which you complain, and that such measures will be taken, on a knowledge of them, as may comport with the rights of both nations, and may be proper in the case to which they relate.

I beg you, sir, to be assured that it is the sincere desire of the President to see (and to promote, so far as depends on the United States) that the war which exists between our countries be conducted with the utmost regard to humanity.

I have the honor to be, &c.

(Signed) JAMES MONROE.

Sir John Borlase Warren,
admiral of the blue, &c. &c.

Extract of a letter from admiral sir John Borlase Warren to the secretary of state, dated Bermuda, March 8, 1813.

"I must refer you to my letter of the 30th of September, 1812, in which I stated the circumstance of twelve men belonging to the Guerriere, taken out of a cartel by commodore Rodgers, and illegally detained, upon the pretext of six others, who were supposed to be British subjects, having been sent to the United Kingdom for examination; since that event, five of these people, named in the enclosed list, have been received at Halifax with orders for their discharge. I therefore request you will communicate these particulars to the president, in order that further directions may be given respecting the Guerriere's men, so long confined at Boston, and to obviate the other inconveniences which must inevitably arise from such practices."

Extract of a letter from the secretary of state to admiral Warren, dated April 16, 1813.

"It appears by your letter, (of the 8th of March from Bermuda,) that five only of the seamen that were taken on board the Nautilus, and sent to England in confinement, have been returned. No account is given of the sixth. Orders have been issued for the release of ten of the twelve men, who, on a principle of retaliation, were confined by commodore Rodgers at Boston.

"You will be sensible that it will be impossible, on that principle, to discharge the other two men until the sixth American seaman is returned, or such an explanation given of the cause of his detention, as, according to the circumstances of the case, regarding the conduct of the British government towards American seamen under similar circumstances, ought to be satisfactory."

Georgetown, April 13, 1813.

SIR,

I beg leave to call your attention to the latter paragraph in the document A, which I had the honor of inclosing in my letter to you of this day's date, and to request that the twelve British prisoners of war, therein mentioned, formerly composing part of the crew of his majesty's ship Guerriere, and taken out of a cartel by commodore Rodgers, may be included in the first exchange of prisoners of war, as five of the six detained seamen of the United States' sloop of war Nautilus, have been discharged at Halifax as American seamen.

I have the honor to be, &c.

(Signed) THO. BARCLAY.

To gen. John Mason, &c. &c. &c.

Extract of a letter from the commissary general of prisoners to colonel Thomas Barclay, dated 12th June, 1813.

"Ten of the men detained, of the late British ship Guerriere, were, immediately after the date of Mr. Monroe's letter, released from duress, and placed in the ordinary situation of prisoners of war; and the marshal of Massachusetts has orders to send them with the first British prisoners that go by cartel from Boston," &c.

B

SARAH ANN'S MEN.

Extract of a letter from major general Pinckney to the secretary of war, dated
Headquarters, Charleston, November 4, 1812.

"Information having been given, upon oath, to lieutenant Grandison, who at present commands in

the naval department here, that six American seamen, who had been taken prisoners on board our privateers, had been sent to Jamaica, to be tried as British subjects, for treason, he called upon the marshal to retain double that number of British seamen as hostages. The marshal, in consequence of instructions from the department of state, asked my advice on the subject, and I have given my opinion that they ought to be detained until the pleasure of the president shall be known. The testimony of captain Moon is herewith. I hope, sir, you will have the goodness to have this business put in the proper train to have the president's pleasure on this subject communicated to the marshal."

Charleston, November 4, 1812.

SIR,

A report having reached me that six of our prisoners are sent to Jamaica to be tried as British subjects, have been induced to retaliate, by ordering twelve of the British prisoners to be detained as hostages, until the fate of our citizens be known; their fate will decide the fate of yours.

I have the honor to be, &c.

(Signed) CY. GRANDISON,

United States' navy.

His excellency the commander in chief at Nassau.

Nassau, New Providence, Oct. 14, 1812.

Six of my crew, claimed as British subjects, were this day taken out of jail, and put on board his majesty's brig the Sappho, and sailed for Jamaica, where 'tis said they are to be tried for their

lives, consequently, I questioned each, respectively, as to the place of their nativity, and title to protection by the American government, when they stated as follows, to wit:

David Dick, seaman, that he was born in the north of Ireland, but has resided in the United States ever since the year 1793; has served ten years in the United States' navy, viz.: on board the frigates Chesapeake, President, Constitution, John Adams, and schooner Enterprize, and gun boat No. 2. David Dick, shoemaker, in Alexandria, is his uncle. Dick is about five feet six and a half inches high, dark hair, has a scar on his left elbow, and one on each wrist. He entered on board the Sarah Ann in Baltimore.

John Gaul, seaman, says he was born in Marblehead, state of Massachusetts, where his parents, brothers, and sisters now reside; is married in New York, and his wife (Mary Gaul) lives in Roosevelt street, No 37; has a regular discharge from the navy of the United States, by captain Hugh G. Campbell, dated at St. Mary's, Georgia, 14th August, 1812; says he has served on board the United States' brig Vixen, gun boats No 10 and 158; from the last of which he was discharged. Gaul is 27 years of age, about five feet seven inches high, brown hair, light complexion. He entered on board the Sarah Ann in Baltimore.

Michael Pluck, ordinary seaman, says he was born in Baltimore; his parents are dead, but he is known by William Doulan, Thomas Turner, and M'Donald of Baltimore; has a sister in some part of Pennsylvania, whose name is Ann Welsh; was never at sea before; never had a protection. Pluck is twenty-six years old, five feet six and a half inches high, and has a scar on his left cheek bone. Entered on board the Sarah Ann at Baltimore.

Thomas Rodgers, seaman, says he was born in Waterford, Ireland, but has resided many years in the United States, and has been duly naturalized, a copy of which naturalization is filed in the customhouse at Baltimore; is known by Joseph Carey, and Tom Rodgers, cork cutter, both of Baltimore; has a wife and three children in Baltimore; has lost his protection, but requests Joseph Cary to do all he can to effect his discharge from the British. Rodgers entered on board the Sarah Ann in Baltimore.

George Roberts, a colored man and seaman. This man I had not an opportunity of questioning; but I know him to be a native born citizen of the United States, of which fact he had every sufficient document, together with free papers. Roberts entered on board the Sarah Ann in Baltimore, where he is married.

Sonty Taylor, boy, says he was born in Hackensack, New Jersey, but has neither friends, relations, nor acquaintances there; says Jane Snowdon of Savannah, Georgia, is his mother; never had a protection. Taylor is fifteen years old, has brown hair, and light complexion. He entered on board the Sarah Ann in Savannah.

RICHARD MOON,
Late commander privateer Sarah Ann.

Harlem, June 1, 1813.

SIR,

I beg leave to refer you to a communication which took place sometime in the autumn or winter preceding, between Mr. Baker, his majesty's late agent for prisoners of war, and Mr. Monroe, secretary of state, respecting six of the crew of the late American privateer Sarah Ann, Richard Moon master, captured by his majesty's sloop Rhodian, John George Ross, esq. commander, whose names

are inserted in the margin,* and who it appears were sent to Jamaica, to which station the Rhodian belonged, on suspicion of their being subjects of his majesty: and I further request your attention to a letter from major general Pinckney to the secretary of war, dated Headquarters, Charleston, 4th November, 1812, from which it appears that twelve of his majesty's subjects, then prisoners of war at Charleston, were held in prison, to answer in their persons for the fate of the six men of the Sarah Ann privateer sent to Jamaica

I have the honor to enclose you the copy of a letter from vice admiral Sterling, commanding his majesty's ships of war on the Jamaica station, to Mr. Simpson, late sub-agent for prisoners of war at Charleston; from which you will perceive that the six men of the Sarah Ann are considered by the admiral as American prisoners generally, and are now on board a prison ship in common with other American prisoners.

Having given you this information with respect to the six men of the Sarah Ann privateer, I have to request you will take the necessary measures to have the contingent responsibility, which it was thought proper to attach to the persons of twelve British seamen now in prison in Charleston, taken off, and that they may be informed thereof.

I understand that John Gaul, one of the six men, was paroled, and arrived at Georgetown, South Carolina, in the brig Cyrus, and that he reported himself to the marshal, who informed Mr. Simpson "that he had sent on to the department of state his parole."

I have the honor to be, &c.

(Signed) THOMAS BARCLAY.

General Mason.

*Edward Dick, Thomas Rodgers, Adam Taylor, John Gaul, Mich. Pluck, George G. Roberts.

(Copy.) Shark, Port Royal, Jamaica,
29th March, 1813.

SIR,

Captain Mowbray, of his majesty's sloop Moselle, has just sent to me the copy of a letter from you to him, and another to Mr. Cook, of his majesty's late sloop Rhodian, dated the 25th ultimo, respecting six men mentioned in the margin,* who were sent here from the Bahamas, as having been taken in the American privateer Sarah Ann, and supposed to be subjects of his majesty; but as no proof to what country they belong has been adduced, it has never been my intention to bring them to trial, and they are at present on board of the prison ships waiting an exchange of prisoners.

I am, sir, yours, &c.

(Signed) CHARLES STERLING,
Vice admiral

Charles R. Simpson, esq.

Office of commissary general of prisoners,
Washington, 9th June, 1813.

SIR,

I learn with pleasure, by the letter you did me the honor to address me on the 1st instant, and the letter from admiral Sterling, you have enclosed, that the six men belonging to the American privateer Sarah Ann, detained in October last, and sent to Jamaica to be tried as British subjects, have been restored to the ordinary state of prisoners of war, to wait an exchange, and that there is now no intention to bring them to trial.

I very cheerfully comply with your request, sir, and have this day requested the marshal of South

* Edward Dick, Thomas Rodgers, Adam Taylor, John Gaul, Mike Pluck, George G. Roberts.

Carolina to restore in like manner, to the ordinary state of prisoners of war, the twelve British seamen confined under the orders of this government by him, and to inform them that the responsibility attached to their persons for the safety of the men of the Sarah Ann, has been taken off.

I have the honor to be, &c.

(Signed) J. MASON.

Colonel Thomas Barclay, &c. &c. &c.

C

Washington, January 30, 1813.

SIR,

I think it my duty to lay before the department that on the arrival at Quebec of the American prisoners of war surrendered at Queenston, they were mustered and examined by British officers appointed to that duty, and every native born of the united kingdoms of Great Britain and Ireland sequestered and sent on board a ship of war then in that harbor. The vessel in a few days thereafter sailed for England with those persons on board.

Between fifteen and twenty persons were thus taken from us, principally natives of Ireland, several of whom were known by their platoon officers to be naturalized citizens of the United States, and others to have been long residents within the same. One in particular, whose name has escaped me, besides having complied with all the conditions of our naturalization laws, was represented, by his officers, to have left a wife and five children, all of them born within the state of New York.

I distinctly understood, as well from the officers who came on board the prison ship for the above

purpose, as from others, with whom I remonstrated on this subject, that it was the determination of the British government, as expressed through sir George Prevost, to punish every man whom it might subject to its power, found in arms against the British king contrary to his native allegiance.

I have the honor to be, sir,
Your most obedient servant,
(Signed) W. SCOTT,
Lieut. col. U. S. 2d artillery.

The honorable the secretary of war.

London, March 1, 1813.

SIR,

Annexed you have a copy of a letter from Henry Kelly, in behalf of himself and twenty-two persons. He states, that they are all citizens of the United States, and have wives and families there; that they were taken last October in Upper Canada, and that they were sent to this country because they were born within the British dominions.

I am, respectfully, &c.
(Signed) R. G. BEASLEY.

To the secretary of state.

On board H. M. S. Namur, lying at the Nore,
February 6, 1813.

SIR,

This is to inform you of the under-named twenty-three American soldiers belonging to the 13th, 6th, and 1st regiments of the United States' armies. We were taken on the 13th of October

in Upper Canada. The reason of their sending us twenty-three here, is, we were born in the British dominions, though we are all citizens of the United States, and have our wives and children there. We are in a very miserable situation for clothing, having drawn no winter clothes before we were taken. We, therefore, hope you will send us some relief to shelter us from the inclemency of the weather.

Sir, I remain your obedient servant,

(Signed) HENRY KELLY.

Sir,—These are the names of my fellow-sufferers:

Henry Blaney,	Mathew Mooney,
George M'Cammon,	Patrick Karns,
John Dolton,	John Fitzgerald,
Michael Condin,	John Wiley,
John Clark,	John Donnelly,
Peter Burr,	John Curry,
Andrew Doyle,	Nathan Shaley,
John M'Gowan,	Edward M'Garigan,
James Gill,	John Dinne,
John Fulsum,	John Williams,
Patrick M'Brabarty,	George Johnson.

Mr. R. G. Beasley.

(Copy.) War Department, May 15, 1813.

Sir,

You will herewith receive the copy of a letter addressed to the secretary of state by R. G. Beasley, esq. our commissary of prisoners in London, by which it appears, that twenty-three soldiers of the 1st, 6th, and 13th regiments of United States' infantry, made prisoners during the last campaign in Upper Canada, have been sent to England in confinement, as British subjects

You are therefore hereby commanded to put into close confinement twenty-three British soldiers, to be kept as hostages for the safe keeping and restoration (on exchange) of the soldiers of the United States who have been sent, as above stated, to England.

So soon as this order shall have been executed you will communicate the reasons of it to the British commander in chief in Canada.

I am, sir,

Very respectfully, &c.

(Signed) JOHN ARMSTRONG.

Major general Dearborn.

Headquarters, Montreal, October 17, 1813.

SIR,

Having transmitted to his majesty's government a copy of a letter addressed to me on the 31st of May last, by major general Dearborn, in which it is stated, that "the American commissary of prisoners in London had made it known to his government, that twenty three soldiers of the 1st, 6th, and 13th regiments of United States' infantry made prisoners, had been sent to England, and held in close confinement as British subjects; and that major general Dearborn had received instructions from his government, to put into close confinement twenty-three British soldiers, to be kept as hostages for the safe-keeping and restoration, in exchange, of the soldiers of the United States who had been sent, as above stated, to England; and that in obedience to those instructions general Dearborn had put twenty-three British soldiers in close confinement to be kept as hostages;" I have now the honor of acquainting you, that I have received the instruc-

tions of his majesty's government, distinctly to state to you, for the information of the government of the United States, that I have received the commands of his royal highness the prince regent, forthwith to put in close confinement forty-six American officers and non-commissioned officers, to be held as hostages for the safe-keeping of the twenty-three British soldiers stated to have been put in close confinement by order of the American government.

I have been directed at the same time to apprize you, that if any of the said British soldiers shall suffer death, by reason that any of the said soldiers of the United States, now under confinement in England, have been found guilty, and that the known law not only of Great Britain, but of every independent state, under similar circumstances, has been in consequence executed, that I have been further instructed to select out of the American officers and non-commissioned officers whom I shall have put into confinement, as many as may double the number of the British soldiers who shall have been so unwarrantably put to death, and to cause such officers and non-commissioned officers to suffer death immediately. I have been further instructed by his majesty's government, to notify to you, for the information of the government of the United States, that the commanders of his majesty's armies and fleets on the coasts of America, have received instructions to prosecute the war with unmitigated severity against all cities, towns, and villages belonging to the United States, and against the inhabitants thereof, if, after this communication shall have been made to you, and a reasonable time given for its being transmitted to the American government, that government shall unhappily not

be deterred from putting to death any of the soldiers who now are, or who may hereafter be kept as hostages for the purposes stated in the letter from major general Dearborn.

I have the honor to be, with great consideration and respect, your excellency's obedient humble servant,

(Signed) GEORGE PREVOST.
Lieut. gen. and commander of the forces.

His excellency major general Wilkinson.

Extract of a letter from major general James Wilkinson to lieutenant general sir George Prevost, dated Headquarters, Grenadier Island, November 1, 1813.

"I yesterday evening had the honor to receive your letter of the 17th past, and shall immediately transmit a copy of it to the executive of the United States.

"I forbear to animadvert on the acts of our superiors, whatever may be their tendency; but you must pardon me for taking exception to an expression in your letter. The government of the United States cannot be 'deterred' by any considerations of life or death, of depredation or conflagration, from the faithful discharge of its duty to the American nation."

Office of commissary general of prisoners,
Washington, 18th November, 1813.

SIR,

This despatch will be delivered or forwarded to you by major Richard Graham of the army. You will be pleased to deliver to him all the commissioned enemy officers in your charge, belong-

ing to any of their land troops, not militia, whether captured on land or on board their vessels. They are to be immediately marched under guard to Frankfort in Kentucky, and their subsistence money to cease from the time you so deliver them. You are particularly requested, however, to give them all the aid in your power, and to see justice done them in the settlement of their accounts with their boarding houses, and in the delivery of their baggage, &c. You will use the requisite precautions, in concert with major Graham, to hold up the disclosure of this measure until all the officers designated are secured by him. You will then inform those gentlemen that this measure has been forced on us by the recent treatment of our officers held by the enemy in Canada.

I am, sir, &c.

(Signed) J. MASON.

Thoms Steele, esq. deputy marshal of Ohio.

Office of commissary general of prisoners,
Washington November 23, 1813.

SIR,

In order to secure a sufficient number of hostages, to answer in their persons, for the proper treatment of a certain number of American officers, now in possession of the enemy, on whom the British authorities have recently threatened to exercise a severity unknown in civilized warfare, and outraging humanity, I am commanded by the president to instruct you to place forthwith, in close confinement, all the British commissioned officers of every rank, belonging to their land service, now prisoners of war within your district, and safely to hold them until further orders.

By the last returns from your deputy, Mr. Melville, there are supposed to be, as by the annexed list, sixteen persons; but be the number more or less, you will understand the whole are to be embraced by the present order.

The place of confinement is left to your discretion; in making this selection, however, you will endeavor to fix on a town which will offer a sufficient number of safe and decent prison-rooms to receive those officers, without inconveniently crowding them, the object being, at this time, to hold them with as little suffering on their part as can be done consistent with security against escape for ultimate measures dependent on the conduct of the enemy; and you are requested, for the better ordering of the first arrangement, to attend in person.

By this same mail an order will be transmitted from the department of war to general Cushing, commanding at Boston, requiring him to act in concert with you on this occasion, and to furnish a well appointed and adequate guard for the purpose of securing the prisoners in the first instance, moving them to the place of confinement, and there guarding them in prison.

You will at once perceive, sir, that the service now required of you is of an important and delicate nature. The president counts on your zeal and discretion to execute it with promptitude, and such precautions as may be found necessary to prevent escapes, which may possibly be attempted by some, although on parole, to which end you will consult confidentially with general Cushing. Since, immediately on taking them into close custody, their paroles will be suspended, then also must the subsistence money be stopped, and you will make arrangements, in some regular way, for supplying,

in as comfortable manner as the nature of the case will admit, those unfortunate officers with good, wholesome fare, lodging, fireing, &c. having always regard to the proper economy.

You are particularly requested to make as early a return as possible, after this measure is executed, of the persons confined,—descriptive of name, to what corps belonging, rank, place of nativity, last place of residence, &c.

I have the honor to be, sir,

Your most obedient servant.

(Signed) J. MASON.

James Prince, esq. marshal of Massachusetts.

Office of commissary general of prisoners,
Washington, 24th November, 1813.

SIR,

Enclosed I send you a copy of a letter addressed to you on the 18th instant,* under cover to major Graham.

In order to secure a sufficient number of hostages, to answer in their persons, for the proper treatment of a certain number of American officers, now in possession of the enemy, on whom the British authorities have recently threatened to exercise a severity unknown in civilized warfare and outraging humanity, I am commanded by the president to instruct you to place, forthwith, in close confinement, at Frankfort in your state, all the British officers, of whatever rank, who may be there delivered to you by major Richard Graham of the army, as contemplated in my letter of the 18th instant; and for the better making the first arrangements you are requested to attend in person

* This letter was a duplicate of that sent to Thomas Steele, esq. deputy marshal of Ohio.

at the place, at the time major Graham shall arrive there with the prisoners. Frankfort has been designated as the place of confinement on this occasion, because it was hoped that the authorities of the state would accommodate the government with rooms in the penitentiary. The secretary of state has addressed the governor on the subject. You will be pleased to make application to his excellency to that end in its behalf, and pray leave of him to occupy in that building, as many safe and decent prison-rooms as may be sufficient to receive these officers, without inconveniently crowding them; the object being, at this time, to hold them with as little suffering on their part as can be done consistent with security against escape, for ultimate measures dependent on the conduct of the enemy.

The requisite guard, duly appropriated, will be furnished you by major Graham, for guarding the prison. You will make arrangements, in the regular way, for supplying, in as comfortable manner as the nature of the case will admit, these unfortunate officers with good, wholesome fare, lodging, and fireing, having always regard to the proper economy.

You will at once perceive, sir, that the service now requested of you is of an important and delicate nature. The president counts on your zeal and discretion to execute it with promptitude, and with such precautions as may prevent escape. You are particularly requested to make as early a return as possible, after this measure is executed, of the persons confined,—descriptive of name, to what corps belonging, rank, place of nativity, last place of residence, &c.

I am, sir, &c.

(Signed) J. MASON.

Robert Crockett, esq. marshal of Kentucky.

Extracts of a letter from colonel Barclay to the commissary general of prisoners, dated Harlem, 26th Nov. 1813.

" SIR,

"I have the honor to enclose to you the copy of a letter from his excellency lieutenant general sir George Prevost, governor general and commanding his majesty's forces, on the subject of his having confined forty-six officers and non commissioned officers, American prisoners of war, in retaliation for twenty-three British prisoners confined in prison in these states, by order of this government."

" If it is the wish of the president or yourself to be possessed of a copy of Earl Bathurst's letter referred to in the enclosed copy, I will send it with pleasure. It has, however, been published in the American newspapers, taken from those published in Canada."

Extract of a letter from lieut. general sir George Prevost to col. Thomas Barclay, dated Montreal, October 27, 1813.

" SIR,

" I have the honor to transmit to you a copy of a despatch I have received from earl Bathurst, and to acquaint you, that in obedience to the orders of his majesty's government therein signified to me, I have placed twenty officers and twenty-six non-commissioned officers of the American army, whose names are inclosed, in close confinement. Three general officers, and twelve other officers of different ranks, according to the list herewith transmitted, still remain at Quebec, on parole; but the remainder of the soldiers and seamen, amounting to about five hundred men, I have thought fit to send to Halifax, not having

the means of providing for them during the winter.

"Regretting, as I sincerely do, this necessary act of severity and retaliation, which I have communicated to major general Wilkinson, I have thought fit to apprize you of it, that you may, should any representation be made to you upon the subject, be enabled to point out to the American government the cause of it, and the means in its power of relieving those who are suffering from it, by the immediate discharge from confinement of the twenty-three British soldiers, prisoners of war, so unjustly imprisoned."

Extract of a letter from major general Wilkinson to lieut. general sir George Prevost, dated Headquarters, Malone, December 3, 1813.

"SIR,

"In my letter to you of the 1st ultimo, I apprized you, that your communication of the 17th of October last, had been transmitted to the president of the United States; and I have now the honor to lay before you the result:

"In a recent communication from the war department, I am commanded by the president to make known to you, in reply to your letter, and for the information of your government, "that the government of the United States, adhering unalterably to the principle and purpose declared in the communication of general Dearborn to you, on the subject of the twenty-three American soldiers, prisoners of war, sent to England to be tried as criminals, and the confinement of a like number of British soldiers, prisoners of war, selected to abide the fate of the former, has, in consequence of the step taken by the British government, as

now communicated, ordered forty-six British officers into close confinement, who will be immediately put to death, in case of the putting to death of the forty-six American officers and non-commissioned officers ordered into close confinement; and that they will not be discharged from their confinement until it shall be known that the forty-six American officers and non-commissioned officers in question are no longer confined.

"I am farther commanded by the president to advise you, for the information of your government, that "in the event of any proceedings of the British commanders on our coast against the inhabitants thereof, contrary to the laws of war observed among civilized nations, as threatened in your communication of the 17th of October, the United States will avail themselves of the means in their power for such exemplary retaliations as may produce a return to those legitimate modes of warfare, from which no other consideration, than the necessity imposed by the conduct of the enemy, could ever induce them to depart."

Extract of a letter from sir George Prevost, commanding the British forces in Canada, to major general Wilkinson, dated

"Headquarters, Montreal, December 11, 1813.

"SIR,

"I have had the honor to receive your excellency's despatches of the 3d and 4th instant. In communicating to your excellency, in my letter of the 17th of October last, the retaliating measure which his majesty's government had been compelled to adopt, in consequence of the imprisonment, by major general Dearborn, of twenty-three British soldiers, as hostages for as many natural

born subjects of his majesty, found in the service of the United States in arms against their native country, I had entertained the hope that the American government would have been induced to abandon a principle not recognised by any of the other civilized nations of the world, and against which, when attempted to be put in practice, they have all invariably resisted.

" I regret to find myself disappointed in this just expectation, by the communication made by your excellency of the determination of your government unalterably to adhere to the principle and purpose declared in the letter of major general Dearborn of the 31st May last, and of its having, in consequence, directed forty six British officers, prisoners of war, to be closely confined, until the forty-six American officers and non-commissioned officers, now closely confined at Quebec as hostages, shall be released.

" This step, on the part of the government of the United States, leaves me no other alternative but that of directing, and which I have accordingly done, the whole of the American officers (including the three general officers) now on their parole in these provinces, to be immediately placed in close confinement; and I have further to acquaint your excellency, that it is my determination to put into close confinement every American officer who shall hereafter fall into my power, to the number of forty-six, inclusive of those who had been confined previous to the receipt of your excellency's letter, and so to keep them confined until I shall receive the further directions of his majesty's government on this subject."

Extract of a letter from major general Wilkinson to lieut. general sir George Prevost, commanding the British forces in Canada, dated

" Headquarters, Malone, December 20, 1813.

" Sir,

" Your excellency's letter of the 11th instant reached my outpost, on Chateaugai, the evening of the 18th, and came to my hand yesterday.

" I regret the resolution you have adopted in respect to the retaliatory system forced on the executive of the United States, by the resurrection of dormant pretensions, which had ceased for a long time to torment mankind, and which, your excellency will pardon the observation, have not been invariably asserted by the British government: several instances might be quoted to support the fact; but I will trespass the remarkable case of the late major general Charles Lee, only, on your excellency's attention, because it is most directly in point: Some time after the capture of that officer by colonel Harcourt, his exchange was demanded by congress, and refused by the British commander, on the express grounds for which you now contend; in consequence of which lieutenant colonel Campbell, of the 71st regiment, and five Hessian field officers were thrown into ignominious confinement, as hostages for his safety, and here the contest terminated—the British government yielding its pretensions, and admitting general Lee to be exchanged as an ordinary prisoner of war. But while I deplore the course you have marked out for your conduct, I should fail in courtesy if I did not acknowledge my obligations to you for the candid avowal of your intentions in respect to the American officers who may hereafter fall into your hands, because this avowal will, I flatter myself, constitute their safeguard against imprisonment."

Extract of a letter from colonel Thomas Barclay to the commissary general of prisoners, dated

" Harlem, 15th December, 1813.

" SIR,

" I have the honor to inclose you a copy of a letter received yesterday from lieutenant colonel Grant, of the militia of Lower Canada, dated from the jail at Worcester; and I have to request you will inform me, for whom the nine British officers and the volunteer mentioned therein, have been placed in a more than ordinary state of strict retaliatory confinement. I had understood from you, that the officers and men, on whom you intended to retaliate for the fifty-nine soldiers sent to England, and the forty-six placed in close confinement by way of retaliation, by his excellency sir George Prevost, were those at Newport and Chilicothe; and I am certain that the officers now in jail at Worcester, who are a part of the British troops captured by commodore Chauncey on Lake Ontario, are a part of the British prisoners you promised me should be sent from Salem, in return for the military prisoners now daily expected from Nova Scotia. Why your original plan has been changed, and what British prisoners are intended to be released by you and sent to Halifax, for the Americans expected at Salem, are questions to which I entreat your answer. I beg, also, to be informed, on what principles you have directed restrictions, independent of the strictest imprisonment, to be exercised on them; and whether they receive the usual allowance of three shillings sterling per day? These are important questions to be resolved, and admit not of my being kept in suspense."

Worcester Jail, December 6, 1813.

Sir,

From the tenor of your letter of the 22d October, addressed to lieutenant colonel Myers, I was led to expect that an arrangement for the mutual exchange of prisoners had been made between the two governments, by which the British prisoners, then in the United States, were to be immediately marched to Burlington for that purpose. On application to the deputy marshal at Pittsfield, I was informed, that he had received a letter from the commissary general of prisoners, instructing him that all prisoners, taken after the 5th of October, were to be exchanged by the way of Halifax. It was in vain I complained of the unreasonableness of this measure. I was informed that the arrangement was decisive, and that a cartel was expected from Halifax in a short time for that purpose.

Finding that it would be useless to make any further remonstrance, I proceeded to Worcester on my parole, that I might be enabled to take advantage of the opportunity which, I was informed, would shortly offer for my exchange. I have now the honor to inform you, that by an order from the president of the United States, I have, with the undermentioned officers, been placed in close confinement, notwithstanding the assurances which have been so frequently made me of my being exchanged, without any regard to my being a militia officer, and the only instance of the kind which has presented itself during the war, that of a militia officer being even detained in the United States.

Major Villatte,
Captain Zehender,
Lieutenant Decenter,
Lieutenant Manuel,
Lieutenant Duval,
} De Watteville's.

Lieutenant Steele, 89th regiment,
Lieutenant Carter, royal artillery,
Mr. Morris, volunteer, R. A.
Dy. A. comy. gen. J. C Green.

I have the honor to be, sir,
Your obedient servant,
(Signed) C. WM. GRANT,
Lieut. col. B. M. L. C.

Thomas Barclay, esq.

Harlem, December 21, 1813.

SIR,

In my letter to you of the 15th current, I stated, in addition to other matters, the more than ordinary severity of the treatment col. Grant and the nine other British prisoners committed to Worcester jail by the marshal of Massachusetts, experienced. I am since informed, that in order to render their situation still more unpleasant, that they have, with the exception of one, been deprived of their servants, who have been marched to Boston or Salem as prisoners; and that their confinement, in every other respect, is the reverse of what gentlemen, even under sentence of death, ought to experience. I hope this treatment and privation has been exercised without the knowledge of the American government.

The treatment which the American officers in close confinement within his majesty's colonies, receive, is very different, and in every particular as liberal and comfortable, as the nature of their imprisonment will permit. In proof of this, I inclose a copy of a letter, published some days since in the Philadelphia Gazette, purporting to be a letter from a captain in the United States' service, a prisoner in Quebec, to his father. The letter, I consider, bears strong marks of authenticity.

Having stated the treatment British prisoners in these states, and American prisoners in his majesty's dominions, both placed in strict confinement on retaliatory principles, receive, it rests with your government to procure a continuation of the same comforts and conveniences to its prisoners, which they now enjoy, by immediately directing that similar indulgences be extended to British subjects in these states, under similar circumstances; or to compel his majesty's government to direct that the same severity be exercised towards American prisoners which his majesty's subjects experience under their confinement in these states.

Should your government, upon this representation, think proper to adopt the former of these alternatives, you will be pleased to return me the inclosed letter. On the contrary, should a continuance of the severity and privation be considered necessary on the part of the United States, permit me to request you will do me the favor to forward the inclosed letter, by a flag of truce, to his excellency lieutenant general sir George Prevost.

A return of the servants to the officers is necessary, or at least in the proportion of one servant to two officers. I am under the necessity of requesting an answer to this.

I have the honor to be, sir,
Your obedient servant,
(Signed) THOS. BARCLAY.

General Mason, &c. &c. &c.

Extract of a letter from the commissary general of prisoners to colonel Thomas Barclay, dated
" Washington, 26th December, 1813.

" SIR,

" In reply to your inquiries of the 15th instant, relative to lieutenant colonel Grant, and

other British officers, confined in the state of Massachusetts, (first reminding you, as you have before been apprised, that it has been uniformly the practice of this government, in matters of retaliation, to execute the measure intended, before any official communication was made,) I have the honor to inform you, that these officers have been so placed, to answer, in part, for the safety and proper treatment of the forty-six American officers, commissioned and non-commissioned, confined in the common jail at Quebec, a measure announced as determined on by the letter of the 17th October, from general sir George Prevost to major general Wilkinson, the execution of which was made known to me by your letter of the 26th November. Orders have been given for the confinement of other British commissioned officers in Massachusetts and elsewhere, to the number of forty-six, including those named by you, for the same purpose. So soon as the returns shall be received they will be communicated to you.

The reply to your inquiry, on what principle restrictions have been directed, independent of the strictest imprisonment, to be exercised on your officers, is, that none such have been directed; and as to what you term more than ordinary state of strict retaliatory confinement, since you have not been pleased to furnish me with any evidence of the manner in which our officers have been treated, in their jail, it is not in my power to enter now upon that part of the subject. I will assure you, however, that orders were given to show to your officers, whose close confinement has been made necessary by a previous act of your government, all the mildness, and to afford them all the accommodation, consistent with their unfortunate situation, and that the requisite inquiries have been made as to the

execution of the intention of this government. The paroles of these officers having been suspended, in lieu of the three shillings sterling per day, directions were given to supply their tables with good, plain fare, and their rooms with sufficient fuel and comfortable bedding, and from the character of the marshal in whose custody they are, I cannot doubt that this has been done.

You could never have understood from me, sir, that it was intended to retaliate at any given place, for the violent conduct of your government, in placing in jail forty-six of our officers at Quebec. This highly offensive and novel procedure was not known in this country at the time you last left the seat of government, and you will find nothing written from me to that effect. There is no doubt that the British officers now imprisoned at Worcester, in Massachusetts, to whom you allude, make part of the troops I proposed should have been sent to Halifax, by return of the British cartel, which you engaged should bring over to Salem, from that place, such of our land troops as had been carried there from Quebec; nor is there less doubt that the forty six American officers, a list of whom you have furnished me, in your letter of the 26th November, are part of the American prisoner troops you engaged with me should be immediately released from Canada,—the soldiers and non-commissioned officers to be delivered on the lines, and the commissioned officers to be paroled, to return directly on the reception of your despatches by your commanding officer in Canada, in return for a like number to be released to you; with which arrangement your commanding general in Canada has refused to comply, even as to those he yet holds there, uninterfered with by retaliatory measures. When your cartel shall ar-

rive from Halifax with American prisoners, I shall have from the adjacent depots a corresponding number of British prisoners to be returned by her. But in the uncertainty of a disposition according with your arrangements, as evinced by the late experiment in Canada, it is certainly best for your prisoners, and most prudent on my part, that they should not be removed until we are more certainly informed of the coming of our prisoners."

Office of commissary general of prisoners,
Washington, December 26, 1813.

SIR,

In your letter of the 26th ultimo, transmitting copy of a letter from sir George Prevost of the 27th October, and a list of forty-six American officers confined in jail at Quebec, you offer to furnish, if desired, a copy of a letter from earl Bathurst to sir George Prevost; as that paper forms part of the documents in the case to which your communication has reference, I will thank you to send it to me.

Returns of all the prisoners, confined in retaliation in this country, shall be sent you as soon as they can be made complete.

I have the honor to be, &c.

(Signed) J. MASON.

Col. Thomas Barclay, &c. &c. &c.

Office of commissary general of prisoners,
Washington, December 29, 1813.

SIR,

In answer to your letter of the 21st instant, I beg leave to assure you, that it is very far from the intention of this government, or the desire of any of its officers charged with that painful service, to

cause to be felt by British officers confined in retaliation for the American officers put in jail in Quebec, more inconvenience than has been made necessary by the conduct of the enemy in regard to our officers, on whose account they are so held.

Before you advanced such a declaration as the following, "I am since informed, that in order to render their situation still more unpleasant, that they have, with the exception of one, been deprived of their servants, who have been marched to Boston or Salem, as prisoners; and that their confinement, in every other respect, is the reverse of what gentlemen, even under the sentence of death, ought to experience. I hope this treatment and privation have been experienced without the knowledge of the American government," it is to be regretted, that you had not taken pains to have been better informed. The unfortunate situation of these gentlemen is sincerely to be lamented; when confined in a jail, however, you must see the impossibility of making them as comfortable as from their habits and rank in life, would be otherwise desirable. But that they have been treated with unnecessary severity, is positively denied, as having been in any degree directed or countenanced by the government, nor is it believed as practised by the officer in whose charge they are. You might at least, sir, on this occasion, have refrained from attributing unworthy motives. If their servants have been withdrawn, they shall be restored so soon as it is ascertained that our officers, closely confined, receive that accommodation. It is the intention of this government to make their situation, in every respect, similar to that of our officers held in prison, and to that end, we shall be very glad to receive from you any information you may be able to commu-

nicate; but you must permit me, sir, to say, that we cannot take the anonymous newspaper paragraphs you have sent, for authority on that subject.

You will remark, sir, by the documents sent you in my letter of yesterday, that colonel Gardner, our agent at Quebec, has been refused permission to visit them; he may, therefore, not have been able to give me any information about their situation.

I have the honor to be, &c.

(Signed) J. MASON.

Colonel Thomas Barclay, &c. &c. &c.

I, Timothy Whiting, of Lancaster, in the county of Worcester, do testify and say, that being at Worcester on the day of the commitment of the British officers, (meaning those who had been at Worcester on parole,) I heard the marshal direct doctor Lincoln, (his reputed agent for taking care of prisoners) to be particularly careful and see that they were treated with great humanity, and well provided with good and wholesome provisions, bedding, &c. &c. The marshal appeared very solicitous that the humanity of the United States should not suffer from any neglect in this respect; and he observed to doctor Lincoln, that by the cartel three shillings sterling per day was allowed to each gentleman for subsistence, and he presumed there would be no objection to his allowing to the extent of four dollars per week. That it was not intended that these officers should be served with prison beds, as for this additional sum the jailer would provide good, comfortable beds for them. This was fully acquiesced in by doctor

Lincoln and myself, and our official situation, as county officers connected with the jail, enabled us to know, and to state to the marshal, that it was in the power of the jailer to furnish as good bedding as is generally found in the best public houses in Worcester, and we had no doubt of the jailer's humane disposition. These observations were made to the marshal, from the solicitude he discovered, to have the officers treated with all the kindness and attention which, he said, he thought was due to men so peculiarly situated as these officers were, and which could be done consistent with their safe-keeping.

(Signed) TIMOTHY WHITING.

Worcester, ss. Lancaster, January 24, 1814.

Then Timothy Whiting, esq. personally appeared and made solemn oath to the above deposition by him subscribed.

Before me,

(Signed) JOSIAH FLAGG,
Justice of the peace.

Extract of a letter from colonel Barclay to the commissary general of prisoners, dated January 6, 1814.

"Agreeably to your request of the 26th ultimo, I enclose a copy of earl Bathurst's letter to lieutenant general sir George Prevost of the 12th of August."

No. 40.

Downing street, August 12, 1813.

Sir,

I have had the honor of receiving your despatch No. 66, of the 6th June, enclosing a letter

addressed to your excellency by major general Dearborn. In this letter it is stated, that the American commissary of prisoners in London had made it known to his government, that twenty-three soldiers, of the 1st, 6th, and 13th regiments United States' infantry, made prisoners, had been sent to England, and held in close confinement as British subjects, and that major general Dearborn had received instructions from his government to put into close confinement twenty three British soldiers, to be kept as hostages, for the safe-keeping and restoration, in exchange, of the soldiers of the United States who had been sent, as above stated, to England; and general Dearborn apprizes you, that in obedience to those instructions, he had put twenty-three British soldiers in close confinement, to be kept as hostages.

The persons referred to in this letter, were soldiers serving in the American army, taken prisoners at Queenstown, and sent home by you, that they might be disposed of according to the pleasure of his royal highness the prince regent, they having declared themselves to be British born subjects. Your excellency has been directed to send home the necessary evidence upon this point, and they are held in custody to undergo a legal trial.

You will lose no time in communicating to major general Dearborn, that you have transmitted home a copy of his letter to you, and that you are in consequence instructed distinctly to state to him, that you have received the commands of his royal highness the prince regent, forthwith to put in close confinement forty-six American officers and non-commissioned officers, to be held as hostages for the safe-keeping of the twenty-three British soldiers, stated to have been put in close confinement by order of the American govern-

ment; and you will, at the same time, apprize him, that if any of the said British soldiers shall suffer death, by reason that the soldiers now under confinement here, have been found guilty, and that the known law, not only of Great Britain, but of every independent state, under similar circumstances, has been in consequence executed, you have been instructed to select out of the American officers and non-commissioned officers, whom you shall have put into close confinement, as many as may double the number of British soldiers who shall have been so unwarrantably put to death, and cause such officers and non-commissioned officers to suffer death immediately.

And you are further instructed to notify to major general Dearborn, that the commanders of his majesty's armies and fleets on the coasts of America have received instructions to prosecute the war with unmitigated severity against all cities, towns, and villages belonging to the United States, and against the inhabitants thereof, if after this communication shall have been duly made to major general Dearborn, and a reasonable time given for its being transmitted to the American government, that government shall unhappily not be deterred from putting to death any of the soldiers, who now are, or who may hereafter be kept as hostages, for the purposes stated in the letter from major general Dearborn.

I have the honor to be, &c. &c. &c.

(Signed) BATHURST.

To lieut. gen. sir George Prevost, bart. &c. &c. &c.

Extract of a letter from the commissary general of prisoners to colonel Thomas Barclay, dated

" Washington, 26 January, 1814.

" SIR,

" I have the honor to enclose you extracts of letters lately received from colonel Gardner, American agent for prisoners in Canada, to wit: one of the 25th November and 17th December, and a copy of a letter from him of 10th December, accompanied by copies of a correspondence between him and general Glasgow, to say, of the 8th and 9th December from colonel Gardner, and of the 9th and 10th from general Glasgow.

" By these you will perceive that now the American agent is barred altogether from visiting any prisoner in confinement, and that when he is permitted even to go into the lower town of Quebec, where no prisoners are held, to purchase any articles or transact any business for them, he is guarded and restricted to a few hours

" In consequence of the last paragraph of the letter from colonel Gardner of the 17th December, and the relaxation of the commanding officer in Canada toward some of our officers, I have with pleasure found myself enabled to ameliorate in a degree, the situation of your officers of corresponding rank. I have instructed the marshal of Kentucky to offer to the British field officers now confined at Frankfort, a parole, restricting them to such houses and their premises, as they can most conveniently be located in; in this order I have included majors Chambers and Muir, understanding that they are majors by brevet, and captain Crowther, because he has his family with him: to his lady and two small children, who, I understand, compose his family, I have directed to be paid subsistence equal to one and a half of the sum of the allowance to officers of the rank of her

husband, to wit: at the rate of 4*s.* and 6*d.* sterling per day.

" I enclose you a list of all the officers now confined in the state of Kentucky, so soon as I can receive the reports from the other marshals, they shall be furnished."

Extract of a letter from col. Thomas Barclay, to the commissary general of prisoners, dated the 27th Jan. 1814.

" I am directed to acquaint you, that if it is the wish of your government to release the whole, or a part, of the officers and men now in confinement on retaliatory measures, on its releasing British prisoners so confined, a similar number of American prisoners under the same kind of confinement, and of the same rank, shall be forthwith released in Canada and Nova Scotia, and be succeeded by an immediate exchange."

Extract of a letter from the commissary general of prisoners to col. Thomas Barclay, dated the 4th of Feb. 1814.

" In your letter of the 27th January, you state that you are directed to acquaint me, that if it is the wish of this government to release the whole or a part of the officers and men now in confinement on retaliatory measures, on the release of British prisoners so confined, a similar number of American prisoners under the same kind of confinement, and of the same rank, shall be forthwith released in Canada and Nova Scotia.

" If you mean that all officers and men, prisoners of war, on either side, who have been confined in retaliation, or for whose confinement measures of retaliation have been resorted to, shall now be

released by both governments, your proposition will be promptly assented to, or if it is meant, that leaving in each case which has occurred, those who constituted the first step of rigorous confinement on each side, to stand the one designation against the other, and to release all others held in retaliation by either nation, it will be as readily agreed to, and stipulated that exchanges for those so released according to rank and equivalent, shall immediately follow.

" If I have understood you correctly as to either mode of proceeding on this important subject, I am instructed, sir, to inform you that this government will enter, with the least possible delay, on such arrangements as may be found best calculated to relieve the sufferings of the unfortunate persons implicated on both sides."

Extract of a letter from colonel Thomas Barclay to the commisary general of prisoners, dated the 9th Feb. 1814.

" Your letter of the 4th instant I have received. I had hoped I had expressed myself with so much perspicuity in my letter of the 27th January, that my meaning would have been perfectly understood by you.

" If you will examine that letter you will find the proposal therein contained to relate to a geneneral exchange of all the prisoners of war, including those under confinment on retaliatory principles. In answer to your question, whether it was intended to include in my proposal to you, " those for whose confinement measures of retaliation have been resorted to," I beg leave to say it was not.

" With respect to characters of that description. I have no authority to make any proposition."

Extract of a letter from the commissary general of prisoners, dated at Washington, January 29th, 1814, to Thomas Steele, esquire, deputy marshal of Ohio.

"It has become necessary, in order to meet by corresponding measures, the treatment used by the enemy towards our officers in their power, to confine all the British officers remaining in your custody.

"I enclose you a despatch from the department of war to lieutenant colonel Campbell, commanding officer at Chilicothe, requesting him to furnish an officer and guard to conduct safely to Kentucky, such of the British officers as you may deliver him. You will keep the contents of this despatch entirely with yourself, until you see and deliver the despatch to colonel Campbell, and you will consult confidentially with him as to the measures to be taken to secure all the officers before any alarm is excited, in order to prevent escapes.

"By your last returns it appears that you held,

Of the army, 2 cadets,
Of the navy, 5 lieutenants,
2 masters,
3 midshipmen, and
6 masters' mates.

"These, and other officers or cadets, of the British army or navy you may hold, of rank not lower than those designated, if I should have mistaken your returns, are, by order of the president, immediately to be placed in close confinement, and delivered to colonel Campbell, to be conducted to Frankfort, in Kentucky, there to be delivered to the marshal of that state.

"You will be pleased, as requested in the former order on a similar occasion, to conduct this procedure with all the humanity and tenderness the case may be susceptible of, guarding always

against risk of escape, and you will pay all the officers up the arrearages due to the time that the paroles are suspended, and see every justice done them, in settling their accounts, &c. with the inhabitants."

Extract of a letter from the commissary general of prisoners to the marshal of Massachusetts, dated Feb. 8, 1814.

"The British authorities at Quebec and Halifax having thought proper to confine closely a number of our officers, (over and above the 46 first confined at Quebec,) on plea of retaliation for their officers confined in the United States,—to be held for the safety and proper treatment of these, I am commanded by the president to instruct you to confine closely at Pittsfield, and to place under military guard, all the officers, British prisoners, who may have been returned by your deputy, major Melville, from Burlington, Vermont, to the state of Massachusetts, a list of whose names was forwarded you yesterday, presumed in number to be 19 or 20. You will be pleased, as in similar cases, and as heretofore recommended, to inform the officers the cause of their confinement, and to do all that may depend on you to make their situation as comfortable as possible, consistent with safety against escape."

Extract of a letter from the commissary general of prisoners to James Prince, esq. marshal of Massachusetts, dated February 22d, 1814.

"In mine of the 11th, I requested my order as to the confinement of the officers to be returned from Burlington to Cheshire, to be suspended. I have before me yours of the 14th, informing me of

the prompt measures you had taken to execute my order of the 8th; as I had advised major Melville, by the same mail, of my intentions to suspend the order for a few days, it is probable they were not executed, but be this as it may, I have now, by command of the president, to require you to deliver over to major Sizer, to be conducted by such route as he may prefer, avoiding always any military work or maritime city, to be conducted to the city of Philadelphia, and there to deliver to the marshal of Pennsylvania, who will be apprised of their coming, all the British prisoner officers in your custody, whether heretofore confined or not, with the exception of the field officers, who I understand to be colonel Grant, major Villette, and major Joseph Powell; to these you will offer the form of specific parole as hostages, sent you in my letter of 29th January, and if accepted, take one from each, and assign them to some particular house and premises in the town of Cheshire, if not accepted, arrest either of them not so accepting and send him on to Philadelphia with the other officers.

"The officers I understand thus, under this order, to be sent on to Philadelphia or paroled, will be the 7 returned in your list of the 14th instant.

4 returned in major Melville's list of the 24th December, confined at Lenox.

19 returned in major Melville's list of the 29th January, as sent from Burlington.

2 naval officers, shown in your late returns, on parole, viz.: lieutenant Carpenter and one midshipman.

"It is not meant, however, by this designation, to exclude any others of similar description I may have overlooked. Captain James S. Tyeth, intended to have been confined at Lenox with the other 4, was reported by major Melville to be in too bad

a state of health to be in confinement; if he still remains so he may remain at Cheshire on ordinary parole.

Extract of a letter from the commissary general of prisoners to John Smith, esq. marshal of Pennsylvania, dated February 23d, 1814.

"SIR,

"The conduct of the enemy in confining many of our officers, prisoners in their hands, on the plea of retaliation, for certain hostages designated and confined in the United States, to answer for the proper treatment and safety of a like number of American prisoner soldiers, separated from their fellow-prisoners and sent to England for trial, has imposed upon the government the necessity of confining British officers in our power, equal in number, to be held responsible for every improper treatment of the enemy toward our officers.

"I am commanded by the president to require that you will, immediately after the reception of this letter, suspend the paroles of, and place in close confinement, all the British commissioned officers of the army or navy, or midshipmen, or masters, or masters' mates in the navy, now in your custody, within the state of Pennsylvania, not suffering from wounds or sickness, except lieutenant Lovesay of the Jaseur, reported in yours of the 17th January, who happens to stand, for the present, in a peculiar situation: these are presumed to be, 3 at Pittsburg, and a few at Lancaster, the number not precisely known; but be they more or less, this measure is to reach them all, except the lieutenant before mentioned, as the numbers now within your state, in addition to those directed to be confined in other states, will not exceed that which is now required by the circumstances of the case.

"You will, sir, so conduct the procedure on your part, that no knowledge of the intention of the government on this subject shall be given until, at each place where there may be such officers in your state, the arrest is ready, under proper precautions, to be made, and the persons of the British officers secured: in order that escapes may be effectually guarded against, those who may be at Pittsburg, you will instruct your deputy to hold in confinement there; those at Lancaster, or any place not more distant, you will remove, under a sufficient guard, in carriages to Philadelphia, and confine them in that city.

"So soon as the arrest takes place, the parole being suspended, the subsistence money is also suspended; and you will provide the officers, in each case, with comfortable, plain fare, suitable to their ranks in life, for subsistence, and you will direct, at Pittsburg, and provide in Philadelphia, in the places destined for their confinement, on the best terms you can, comfortable rooms, with stoves or fireplaces, and such beds and furniture as will be convenient and proper, so as they be not too much crowded, to be conveniently subsisted; and you will allow to each field officer, (if any,) one servant to each, and to each four others, one servant each; the servants to be taken from the prisoner soldiers, or paid by the officers, to be confined, however, in the walls of the jail, and to have no intercourse from without. You will allow to the officers the means, through proper channels, of sending out to procure any thing of a proper nature for their use, and the use of books, pen, ink, and paper, &c.; but you will permit no person to see or converse with them, but in presence of yourself or one of your officers, and will allow no written paper or letters to pass to or from them, unless first in-

spected; and you will take particular care that nothing is introduced by them, or conveyed to them, that may facilitate escape.

"You will, having thus taken every possible means to prevent escape, do all that may depend on you to make the situation of these unfortunate officers as comfortable as the nature of the case will admit, and treat them with as much tenderness and humanity as possible; and you are requested to explain to them the cause of their confinement, to inform them that the government has reluctantly taken such steps, forced on it by the conduct of the enemy in regard to our officers held by them."

Office of commissary general of prisoners,
Washington, February 28, 1814.

Sir,

When I returned you, on the 26th January, a list of British officers confined in Kentucky, because of the attempt to escape, made by several of those who had been confined in Massachusetts, I was not able to ascertain, by any report I then had, with sufficient precision, the number and names of those held there. I have now the honor to enclose you a return of thirty-nine British officers, originally confined in retaliation, in part, for the forty-six American officers and non-commissioned officers, imprisoned in October last at Quebec; of these, four have effected their escape, as shown at foot, and four other British officers have been ordered into confinement to replace them; of the remaining thirty five, twenty-four were confined in Kentucky, and eleven in Massachusetts, as pointed out in the list. You will be pleased to remark, that this list includes the one sent you on

the 26th January, and contains, so far as that went, the same names.

At the time of the act of your government at Quebec, which produced this step of retaliation on our part, twenty odd British officers had been, as I have before informed you, advanced to Burlington, toward the completion, on our part, of the engagement entered into with you last fall. Desirous, under these circumstances, when it was made known, that some of our officers remained uninterfered with at Quebec, by the rigid measures adopted by sir George Prevost, and that some of our prisoner soldiers, also, were yet there, over and above those shipped off to England or to Halifax, to leave the British officers, so advanced on parole, (and in what was thought would be the most acceptable situation) to be offered in exchange against the American officers then on parole at Quebec, it was determined, although the number designated at that time, in retaliation for the forty-six American officers confined at Quebec, was short of the number required here, and that the British officers sent to Burlington presented themselves as the most proper persons, from whom to make the selection of the number yet requisite, in the spirit of conciliation, to save them untouched by the retaliatory system, until they should have been so offered in exchange. This having been done, with a full explanation to sir George Prevost, and rejected by him, and it having been ascertained that, both at Quebec and Halifax, a second series of American officers had been confined, amounting in number to at least forty-six,—orders have been given, in Massachusetts, Pennsylvania, and Ohio, to confine an additional number of British officers, including those who had been sent to Burlington, in order to complete (with the deficit in the list

now sent, against the forty-six arrested by your officers) the whole number of ninety-two, in the hope the authorities of your government did not persist in holding in confinement with those first arrested to a greater amount.

On this subject I want information, and will thank you to inform me particularly, what has been the course taken by your officers at Quebec and Halifax. I am advised by colonel Gardner at Quebec, that in the second step taken there in relation to our officers, ten were confined at Quebec. I am without any precise information whereby to be governed at this time.

By the letter from your agent for prisoners, of the 20th December, which you sent me, I find that all the American officers, military, naval, and of private maritime service, to the number of seventy-two, had been confined, and that it was intended to go on to arrest, to make up the number of ninety-two; that afterwards, so many of these, as came over in the Analostan, and lieutenant Budd, were released. In another part of the same letter it is stated, that forty one American officers remained confined on board the ship Malabar. Mr. Mitchell, our agent at Halifax, was so ill at his house in the country, where he had been confined for a considerable time, that in his short letters of the last of January, by the Bostock cartel, he merely refers to a general list sent him by Mr. Miller, of the prisoners at Halifax, by which I am at a loss to understand, whether there were thirty-one or forty-seven American officers at that time in confinement at Halifax.

So soon as the returns, under the last orders for confinement of British officers in retaliation, for

those long ago confined at Quebec and Halifax, are received, they shall be communicated to you.

I have the honor to be, sir,
Your obedient servant,
(Signed) J. MASON.

Colonel Thomas Barclay, &c. &c. &c.

Bladensburg, 10th March, 1814.

SIR,

Agreeably to the request, contained in your letter of the 28th of last month, I enclose a copy of lieutenant Miller's letter to me, on the subject of American officers in close confinement at Halifax, with a list of their names,—seventeen military and fourteen maritime officers. These I believe to be the whole in close confinement at Halifax. Also, a list of twenty officers and twenty six non-commissioned officers, American prisoners, confined at Quebec. This is the only list of officers confined at Quebec in my possession.

I have the honor to be, sir,
Your obedient servant,
(Signed) THOS. BARCLAY.

General Mason, &c. &c. &c.

D

H. M. S. Poictiers, May 8th, 1813.

SIR,

I am sorry I am under the necessity of detaining John Stevens and John King, late of the Vixen, in consequence of their being British subjects.

I am, sir, &c.
(Signed) J. P. BERRESFORD.

To lieutenant Drayton.

Navy Department, May 17, 1813.

SIR,

You are hereby authorised and instructed to address a letter to admiral sir John Borlase Warren, representing the following facts and determination, viz.: that a part of the officers and crew of the late United States' brig Vixen, were returning from Jamaica on parole as prisoners of war, and entering the Delaware, when commodore Berresford caused them to be brought on board the Poictiers and detained until a part of the crew of that ship, whom he demanded in exchange, were sent down from Philadelphia; that ultimately he detained John Stevens, carpenter, and Thomas King, seaman, two of the aforesaid crew of the Vixen, on the plea of their being British subjects, as appears by a letter from commodore Berresford to lieutenant Drayton, late 1st of the said brig Vixen; and that you are commanded, explicitly to declare, that in retaliation for the violent and unjust detention of the said John Stevens and Thomas King, the government of the United States will immediately cause four British subjects to be selected and held in duress, subject to the same treatment, in all respects, that the said John Stevens and Thomas King may receive during their detention.

On the receipt of the admiral's answer, you will communicate the same to me without delay.

I am, respectfully, &c.

W. JONES.

Charles Stewart, esquire,
commanding naval officer, Norfolk, Va.

United States' frigate Constellation, off Norfolk.
May 20th, 1813.

SIR,

I have the honor to represent to your excel-

lency that a part of the officers and crew of the late United States' brig Vixen, returning from Jamaica on parole as prisoners of war, were, on entering the Delaware, taken out of the flag of truce by commodore Berresford, commanding on that station, and detained until a part of the crew of the Poictiers, then prisoners at Philadelphia, were demanded by him and sent down in exchange; that ultimately he detained on board the Poictiers John Stevens, carpenter, and Thomas King, seaman, late of the United States' brig Vixen, on plea of their being subjects of his Britannic majesty.

This violation of the rights of prisoners on parole, is so contrary to the usage of civilized nations, that I trust your excellency will give such instructions upon that head as will prevent a similar violation in future.

I have it in command from my government to state to your excellency, that in retaliation for so violent and unjust a procedure on the part of commodore Berresford, in detaining the above Mr. John Stevens and Thomas King, that four subjects of his Britannic majesty will be immediately selected and held in durance, subject to the same treatment in all respects, which may be shown towards the aforesaid two persons during their detention. I hope your excellency will give this subject your earliest attention, and direct the release of Mr. Stevens and Thomas King, who have been so improperly detained on board the Poictiers.

I have the honor to be, &c.

(Signed) CHARLES STEWART.

Commanding officer of the U. S. naval forces at Norfolk.

To his excellency the right honorable
sir John B. Warren, admiral of the blue, &c. &c.

His Britannic majesty's ship Marlborough,
In Lynhaven bay, 21st May, 1813.

SIR,

In the absence of sir John Warren, I have the honor to acknowledge the receipt of your letter under date of the 20th current, complaining of the conduct of commodore Berresford towards some American prisoners of war returning to Philadelphia on parole, and of his having detained on board the Poictiers Mr. John Stevens and Thomas King.

No report of these circumstances have yet reached sir John Warren or myself from commodore Berresford, but I have no hesitation in assuring you, sir, that every inquiry would have been made into them, and every satisfaction and explanation thereon which the case might have required, would have been offered to your government and yourself with the least possible delay, had it not been for the threat with which your representation on this subject is accompanied; the tenor of which being likely to produce an entire change in the aspect of our communications, and particularly in what relates to the individuals which the fate of war has placed within the power of our respective nations; it totally precludes the possibility of my now entering further into the subject than to assure you, your letter shall be transmitted to the right honorable the commander in chief by the earliest opportunity, and whenever his answer arrives it shall be forwarded to you without delay.

I have the honor to be, &c.

(Signed) G. COCKBURN.

Captain Stewart, commanding the
naval forces of the United States at Norfolk.

Office of commissary general of prisoners,
Washington, May 28, 1811.

SIR,

The president has ordered that four British subjects be designated as hostages for the safety of John Stevens, carpenter, and Thomas King, seaman, late of the United States' brig Vixen, prisoners of war, and returning on parole from Jamaica, violently detained in the beginning of this month when entering the Delaware, by commodore Berresford, on the plea of their being British subjects.

You will immediately, on reception of this letter, select by lot, from among the British prisoners of war in your custody, and belonging to king's ships, (taking special care to avoid the ten men of the Gurriere's crew lately released by you.) four men, two carpenters, or of the rank of carpenter as nearly as may be, and two seamen; place them in duress, and hold them in close confinement, subject by future orders to the same treatment, in all respects, that the said John Stevens and Thomas King may receive during their detention.

So soon as you have made the selection, you are required, by an early communication, to give me the names and description of the hostages, and of their place of confinement.

I have the honor to be, sir,
Your obedient servant,
(Signed) J. MASON.

James Prince, esq. marshal of Massachusetts.

Office of commissary general of prisoners,
Washington, 10th June, 1813.

SIR,

I have the honor to transmit the copy of a letter from captain Stewart, commanding the Unit-

ed States' naval forces at Norfolk, dated the 20th of May, to admiral Warren, and that of a letter from rear admiral Cockburn, dated 21st May, in reply, relative to a most unjustifiable act of commodore Berresford as to part of the officers and crew of the late United States' brig Vixen, at the mouth of the Delaware. Leaving the general question of the interference of commodore Berresford with these prisoners of war returning on parole, and the exaction made by him in consequence of the irregular power thus assumed, on the ground on which captain Stewart has very properly placed it, I will remark, that captain Stewart was certainly misapprehended by admiral Cockburn, in attributing to him the intention of conveying a threat as to the final detention of two of the American prisoners; on the contrary, the expression used by captain Stewart communicates in very plain terms the decision of this government then already made; that four of his Britannic majesty's subjects should be immediately selected and held in durance, subject to the same treatment, in all respects, &c.; and I have now to inform you, sir, that in virtue of this decision, and by an order from this office, the mrshal of Massachusetts has designated and placed in close confinement William Kitto, carpenter, and Henry Beddingfield, boatswain, of the late British packet Swallow, and John Squirrell and James Russell seamen, of the Dragon seventy four, subjects of his Britannic majesty, to be held responsible for the safety of John Stevens, carpenter, and Thomas King, seaman, part of the crew of the late United States' brig Vixen.

I flatter myself, sir, that this subject will command your early attention, and that you will cause the officer and seaman of the Vixen to be

immediately released and returned to this country, according to their destination when taken from the cartel.

I have the honor to be, &c.

(Signed) J. MASON.

Col. Thomas Barclay, &c. &c.

Extract of a letter from col. Thomas Barclay to the commissary general of prisoners, dated 15th June, 1813.

"The subject of your letter of the 10th (the detention of King and Stevens by commodore Berresford) is a matter not committed to me by my government; it is of the first consequence, and on which the two nations have long entertained very different opinions. Although in ordinary cases of American prisoners of war arriving from British ports to these states, wherein either the whole or a part of them may have been detained by the commander of one of his majesty's ships of war, it would be my duty to request information why the prisoners were detained, still, in the present instance, as your letter to me, and captain Stewart's letter to his excellency sir John Borlase Warren, whereof you have sent me a copy, develop the cause of detention, I cannot interfere without going into the merits; in doing which either admiral sir John B. Warren or commodore Berresford, might with propriety question my authority."

Extract of a letter from the commissary general of prisoners to col. Thomas Barclay, dated the 25th Aug. 1813.

"I have the honor to inform you that I yesterday directed the marshal of Massachusetts to restore to the ordinary state of prisoners John

Squirrell and James Russell, seamen, late of the British seventy-four gun ship Dragon, held, as I informed you in my letter of the 10th of June, to answer for the safety and proper treatment, in the hands of the enemy, of Thomas King, seaman, of the United States' late brig Vixen: King having lately made his escape from confinement in Bermuda, and, at the imminent risk of his life, arrived alone in an open boat on our coast, and reported himself to his officers, although he was not released, it has been determined, for the sake of humanity, not to regard the manner in which he has been restored to his country, and to relieve at once from anxiety and rigid confinement, the two British seamen so held on his account."

E.

Navy-Yard, Charlestown, June 3, 1813.

SIR,

I have the honor to enclose to you a deposition respecting inhuman treatment, which Mr. Nichols, late commander of the private armed ship Decatur, belonging to Newburyport, has received from the British government at Barbadoes. I have been credibly informed, that captain Nichols is a very respectable and correct man, therefore a fair presumption, that he has not committed himself in such a manner as ought to deprive him of the established rights of a prisoner of war. Any measure which the government of our country may see proper to adopt in consequence of this communication, I shall readily attend to.

I have the honor to be, &c.

(Signed) WM. BAINBRIDGE.

Hon. Wm. Jones, secretary of the navy, city of Washington.

I, James Foot, of Newburyport, in the county of Essex and commonwealth of Massachusetts, mariner, testify and depose, that I was a prize-master on board the private armed brigantine Decatur, of Newburyport, in her late cruise, William Nichols commander. That on the 18th day of January, now last past, the said brigantine was captured by his Britannic majesty's frigate Surprize, commanded by captain Cochran, and carried into Barbadoes. After our arrival in Barbadoes, captain Nichols, with the other officers of the Decatur, were paroled. About two months after our arrival, his Britannic majesty's frigate Vesta arrived in Barbadoes, and through the influence of the commander of the Vesta, captain Nichols, without any known or pretended cause, was arrested and held in close confinement, without liberty to speak to any of his officers or any other American. The place where captain Nichols was confined was about four feet in width, and about seven feet in length, on board a prison ship, where he remained for thirty four days, as nearly as I can recollect, and was then taken on board his majesty's ship Tribune, and carried to England. What the cause of the unwarrantable and unjustifiable conduct of the enemy towards captain Nichols was, I am unable to state. There were several reports in circulation; one was, that he was to be carried to England and held a prisoner until the release of certain men in France from whom captain Nichols recaptured his vessel, which had been taken by the British before the commencement of the present war between the two countries: another report was, that he was to be held until the close of the war, on account of his having been active against the enemy since

the commencement of hostilities, and having been fortunate in a former cruize.

(Signed) JAMES FOOT.

Commonwealth of Massachusetts, Essex, *ss.*

On this thirty-first day of May, in the year of our Lord one thousand eight hundred and thirteen, personally appeared James Foot, the subscriber to the foregoing deposition, and made solemn oath that the same is true.

Before me JACOB GERRISH,
Justice of the peace.

Office of commissary general of prisoners,
Washington, 21st June, 1813.

SIR,

Immediately on reception of this letter you are requested and instructed, by command of the president, to designate two masters of private armed ships, or of merchantmen, British subjects, and prisoners of war, the first in preference, (if you, or the marshal of Maine, have such in your charge,) to place them in close confinement, and to hold them for further orders from this office, to answer for the safety and proper treatment of captain William Nichols, late master of the private armed brigantine Decatur, of Newburyport, who was, when a prisoner, paroled at Barbadoes last spring, unjustifiably and inhumanly confined on board a prison ship at that place, for more than a month, and then sent to England in similar confinement, aboard one of the enemy's armed ships.

I shall write to the marshal of Maine, and request him, if necessary, to act in conjunction with you on the subject.

You will be pleased to communicate this letter to commodore Bainbridge, who has been good

enough to interest himself in this matter of national feeling and justice, and to concert with him the proper measures, and so soon as the order is executed, to give me the names, description, and places of confinement, of the two persons designated. If there be more than two of the proper character from whom to designate, the designation should be made by lot.

I have the honor to be, &c.

(Signed) J. MASON.

James Prince, esq.
marshal of Massachusetts.

Extract of a letter from colonel Thomas Barclay to the commissary general of prisoners, dated 3d July, 1813.

"I beg leave to assure you, that I shall at all times consider it my duty to give you the earliest information in my power, of the detention or confinement of any of the officers of the United States' army or navy, private armed vessels or merchantmen, with the reasons, as far as comes to my knowledge. I hope to receive the same treatment from you in similar cases.

"The New York Gazette of this day states, under the Portland head, that Joseph Barss, captain of the late British privateer schooner Liverpool Packet, had been ordered into close confinement in Portland, on the 28th ultimo, by order of your government, and it is said, as retaliatory for the treatment, by the British, of captain Nichols of the Decatur, of Newburyport.

"I request you will communicate to me such facts as you can reveal consistent with your duty on this subject."

Extract of a letter from the commissary general of prisoners to colonel Thomas Barclay, dated 8th July, 1813.

" On the 21st June I gave directions to the marshal of Massachusetts to execute a retaliatory order from this government, (which, I presume, is the one to which you allude in your letter of the 3d instant,) with intention, as soon as his return was received, to give you information thereof, as was done on a late occasion of a similar kind; that return has not yet been received; as soon as it is, you may be assured that you shall hear from me on the subject."

Extract of a letter from colonel Thomas Barclay to the commissary general of prisoners, dated July 27, 1813.

" On the 3d instant I informed you the New York Gazette stated, that captain Joseph Barss, of the Liverpool Packet privateer, a British prisoner of war on parole in Massachusetts, had been, by order of this government, put into prison, retaliatory for treatment which captain Nichols, of the American privateer Decatur, received in some part of his majesty's dominions; and as I was totally ignorant of the cause, either of captain Nichols' confinement, or of captain Barss' imprisonment, save what the Gazette expressed, I requested you to communicate to me such facts as were consistent with your duty to reveal.

" On the 8th of this month I received your answer, in the words following: ' On the 21st of June I gave directions to the marshal of Massachusetts to execute a retaliatory order from this government, (which, I presume, is the one to which you allude in your letter of the 3d instant,) with intention, as soon as his return was received, to give you information thereof; that return has

not yet been received; as soon as it is, you may be assured that you shall hear from me on the subject.'

'I have not since heard further from you on this subject. On inquiry, I learn the following particulars respecting captain Nichols. Previous to the present war between Great Britain and the United States, captain Nichols commanded the American brig Alert, and on his voyage to France was detained by a British ship of war, and an officer and men put on board the Alert, with orders to carry her into a British port for adjudication. That, soon after, captain Nichols and the men of the Alert rose on the British officer and seamen, regained the command of the Alert, and compelled the officer and British seamen to go into the small boat of the Alert, and turned them adrift at sea. Captain Nichols then pursued his voyage to France; before he made the land, he was, however, again met by the same British ship of war, and not being able, or willing, to give a correct account of the officer and men originally put on board his brig, he was sent to England a prisoner for trial, under the suspicion of his having murdered, or otherwise made way with them; previous to his trial he effected his escape. A proclamation was issued for his being apprehended and lodged in any of his majesty's jails. Captain Nichols, at the commencement of the present war, was commander of the Decatur, American privateer, captured and sent into Barbadoes, where he was paroled. His majesty's ship Vestal, by which the Alert brig had been originally detained, arrived at Barbadoes some time in January last; the commander of which immediately recognised captain Nichols, had him arrested, and sent to England, in the Tribune frigate, for trial. A partial account, I under-

stand, has been published in the Newburyport newspaper, in June last, of captain Nichols' arrest and imprisonment at Barbadoes, and being sent to England.

" I have to request you will acquaint me whether the statement I have given you is correct, if not, that you will be pleased to furnish me with the facts you are possessed of More than a sufficient period has elapsed for the marshal of Massachusetts to send you his return: if I suffer captain Barss (and captain Woodworth, who, I also learn, is confined on the same principle) to remain in jail, without attempting their release, I shall, with justice, stand charged with neglect of duty."

Extract of a letter from colonel Thomas Barclay to the commissary general of prisoners, dated at Harlem, August 7, 1813.

" On the 27th day of July, (nineteen days after the date of your letter to me) not having received the promised information, I again addressed you on the subject of captain Barss, and a captain Woodworth, who, in the interval above mentioned, I discovered was also a close prisoner for the same cause; and at the same time gave you the merits of captain Nichols' case, his arrest, and being sent to England for trial. The detail, I informed you, was the best I had been able to obtain, and requested you to acquaint me whether it was correct, if not, that you would be pleased to possess me with the facts in your possession. I have waited some time, in the hope of receiving your answer. From your silence I am under the necessity of taking up the statement I transmitted to you as correct. If it is not, I feel it my duty to say you should long since have given me a true

case. If, therefore, the subsequent remarks are founded on false premises, you will have the goodness to attribute them to your silence and delay.

"I beg leave to submit the following remarks, which, as they are founded on general principles, I flatter myself will meet your and the president's concurrence.

"Prisoners of war, guilty of crimes, are objects for trial and punishment by the nation to which they are prisoners: and the nation to which such prisoners belong, has no right to object to the trial or punishments, provided they are agreeable to the laws of the land in which such prisoner may be, or consonant to the laws of nations.

"When a citizen or subject of one nation is a prisoner, if the nation to which he is a prisoner treats him with unaccustomed severity, or in any other manner supposed to be illegal, it is the duty of the government to whom he belongs to ascertain the facts, require an explanation, and when possessed of all the circumstances, to acquiesce in the treatment, or remonstrate against it, and eventually, if justice is not done, or satisfaction made, to retaliate. One nation has not a right to retaliate on the subjects of the other, without first demanding the above explanation. War of itself, even under the present control of civilization, is sufficiently barbarous, without going this last step, which I have reason to fear is the intention of this government to retaliate on British prisoners, whatever Americans may receive from the British government, even in cases where the American prisoners have been guilty of crimes. It appears, from the statement transmitted to you, that captain Nichols, prior to the war, was committed to jail in England for some offence. Whether he was innocent or guilty, is immaterial; at that time the

same law would have been measured to him in common with his majesty's subjects, and he was bound to have submitted thereto. Captain Nichols, however, thought proper to avoid a trial, and made his escape from prison. The British government issued a proclamation for apprehending him; he, however escaped, and returned to these states.

" On the declaration of war he was appointed commander of the Decatur privateer, and, in January last, was captured by his majesty's ship Surprize and sent to Barbadoes, where he was paroled, and had the liberty to walk the streets. Soon after the Vestal frigate arrived at Barbadoes, the commander of which recognised captain Nichols, knew the crime he had committed before the war, when captain of the Alert, merchant vessel, his escape, and the proclamation for apprehending him. He, therefore, had him arrested, and he has since been sent to England for his trial.

" You will at once perceive, that captain Nichols was not arrested or sent to England for any act committed by him since, but for an offence prior to the war, when the two nations were at amity, and when he was as amenable to the laws of England as any of his majesty's subjects.

" His acquittal or punishment will be by a due course of law, and not by a naval or military tribunal; and I trust it is scarce necessary for me to add, that the judgment will be conformable to law and justice. Captain Nichols cannot acquire any rights from the war, or in consequence of being a prisoner, which will protect him for offences committed prior to the war.

" I confidently hope the preceding relation and remarks will prove satisfactory, and that an order may be immediately forwarded for the release of

captains Barss and Woodworth. I pray your early answer.

"With much more propriety might his majesty retaliate for the detention and close confinement of Mr. Bowie in Massachusetts, who is accused of attempting to convey letters to Halifax during war, than this government attempt to prevent, by retaliatory measures, the ordinary effects of British courts of law on captain Nichols, charged with crimes committed during a state of profound peace.

"I trust retaliatory measures will not, in future, be used by this government, save on the fair principles expressed in this letter; if they are, the inevitable consequence will be, that similar measures must be adopted on the part of his majesty."

Extract of a letter from the commissary general of prisoners to colonel Thomas Barclay, dated August 25, 1813.

"I beg leave to assure you, that it was not my intention to delay unnecessarily the replies to your inquiries relative to the confinement of captain Barss and captain Woodworth; I am ready to confess that this delay has arisen from an accident which I shall explain, and which retarded, longer than was desirable, my communication.

"I should have more regretted this circumstance, but from the tenor of your letter of the 15th June, in reply to mine of the 10th, on a similar subject, in which you consider yourself not the proper person to be addressed on occasions of this nature, yet it is proper to state, that retaliatory orders do not originate with me; they come from higher authority, and this office is only made the medium of their execution, with instructions, in each case, to give to you, when the order is executed, infor-

mation of the fact. In the present case, the order from this office, as I informed you in mine of the 8th of July, was issued on the 21st of June to the marshal of Massachusetts, to designate two masters of private armed ships, or of merchantmen, British subjects, and prisoners of war, in charge of himself, or of either of the marshals of New Hampshire or Maine, and place them in close confinement, to be held to answer for the safety and proper treatment of captain William Nichols, late master of the private armed brigantine Decatur, of Newburyport, who, while a prisoner of war on parole at Barbadoes, during last spring, had been seized and inhumanly confined in a small hole on board a prison ship at that place, and barred from all communication for more than a month, and then sent to England in close confinement on board one of the enemy's ships, for no offence, alleged or known, other than that he was accused, by some of the British officers, of having recaptured an American vessel under his command, taken from him by a British armed vessel before the war; and the marshal was directed to make return.

"It appears that the order was regularly executed, and the two captains (Barss and Woodworth) designated and confined. The marshal of Massachusetts, although an excellent and accurate officer, had omitted to make a regular return; probably the omission was owing to the designation having been made without his own district. I waited for his return when I wrote you on the 8th of this month, as I then informed you; for certainly it was my intention to have communicated the facts and the causes as I have now done, without any inquiry on your part, as I had done in the case of the four men confined in retaliation

for the two seized by commodore Berresford, and notwithstanding the manner in which you received that communication.

"In reply to your letters, of the 27th July and 7th of August, I will first beg leave to decline the discussion on which you are pleased to enter, as to the nature and rights of retaliation in time of war, and will only remark, that on this point I have no authority to enter on that subject generally with you. On the merits of any particular case, where prisoners of war are concerned, I am authorised, and I consider it my duty to endeavor, by explanation and a statement of facts, to divert severity, on either side, as much as possible. It is difficult to reconcile the following passage in your letter of the 15th June. 'It does not, therefore, appear to be the duties of my office to interfere, where it is suggested the officers of his majesty's navy or army have acted either contrary to law or even indiscreetly; such cases are to be arranged by the commander in chief of his majesty's ships of war on the American station, or by the general commanding his majesty's forces in America, or by his majesty's ministers in London.' With the wide field you have taken in your letter of the 7th of August, relative to the cases of captains Nichols, Barss, and Woodworth, it is not easy to suppose that your government should expect, that you could exercise here the full power of requiring explanation from the American authorities, without offering to them the means of similar facility.

"You have, however, given what you suppose, as you say, to be the circumstances of captain Nichols' case. As you rest it on no authority, you must permit me to say, it is impossible for me to act, in any way, on your present statement. Without, however, implying any commitment on the

part of this government, as to its future course, I will only remind you, that you have more than once been mistaken on information collected from irregular sources. I will cite the cases of Mr. Oswald Lawson, &c. as evidences of the caution with which you ought to make official demands. All authentic information, which you may be able to collect, respecting the case of captain Nichols, shall be received with pleasure; and, I can assure you, will command the immediate attention of the proper authorities. In the mean time it is proper to state, that his character has been inquired into, and is considered too respectable to be reached by the accusation of crimes you are pleased, on rumor only, to bring against him."

Extract of a letter from colonel Thomas Barclay to the commissary general of prisoners, dated 29th August, 1813.

"I am honored with your letter of the 25th instant, on the subject of captains Barss and Woodworth, British prisoners of war, now in close confinement in these states, as a retaliatory measure for treatment stated to have been received by captain Nichols, of the Decatur privateer, while a prisoner, and his having since been sent to England as a prisoner.

"From the tenor of your letter, it is evident you suppose my letters to you on the above subject, are in opposition to my letter of the 15th of June, in answer to yours of the 10th of that month, respecting two men of the Vixen, taken out of a cartel vessel in the Delaware by commodore Berresford. I am unable to discover any contradiction in them. In your letter of the 10th June, after stating the facts, you request me to 'cause the officer and seaman of the Vixen to be immediate-

ly released and returned to this country.' In answer, I informed you this was not in my power, that 'the duties of my office were confined to the relief of British subjects detained in the United States of America, and for carrying on exchanges;' and I added, that which you notice in your letter of the 25th instant, 'it does not therefore appertain to the duties of my office,' &c. &c.: this was a natural and correct conclusion, after stating the nature and extent of my appointment. The case in which you called on me to interfere was of the first importance; it embraced the causes on which the United States have founded the necessity of going to war with Great Britain; it involved the right exercised by Great Britain over her subjects; and on the other hand, the right the United States claim with respect to British born subjects, made citizens in these states. I therefore told you it was beyond the limits of my appointment, and could only be acted upon by the commander in chief of his majesty's ships of war in America, or his majesty's ministers in London; and I acquainted you I should transmit to his excellency sir John B. Warren, and to my government, copies of your communication on this subject, which was done. I cannot perceive in what manner this acknowledged want of power in me can lead you to imagine it deprives me of the right of respectfully inquiring of this government, the reasons which have induced it to deprive of the benefit of parole, and treat with increased severity, two British prisoners of war, not charged with having committed a crime or an offence. The words of my commission particularly embrace the case of captains Barss and Woodworth, who are detained in these states.

I proceed to the second part of your letter; the

reasons assigned by you for not having returned me an answer to my letters on this subject. This you observe was occasioned by the marshal's not having transmitted you a regular return. The return of the marshal was wholly irrelevant to the request contained in my letters of the 3d and 27th July. I made no inquiry respecting the conduct of the marshal in executing the order of the government on captains Barss and Woodworth. I was possessed of this fact. What I requested was, that you would be pleased to 'communicate to me such facts as you can reveal consistent with your duty.' This government must have been possessed of them before the 3d of July, nay, even prior to the order to the marshal to apprehend two British prisoners, consequently it was equally in your power on the 8th of July as on the 25th of August to have offered me the information requested.

"My letter of the 27th of July contains simply the circumstances I had collected respecting captain Nichols,—the cause of his parole at Barbadoes being superseded, and he sent on board the prison ship, and from thence to England; together with request that you would acquaint me whether those facts were correct, and if not, that you would be pleased to furnish me with the facts in your possession. It is true, on the 7th of August, in consequence of your continued silence, and withholding from me the information I had repeatedly requested, I entered upon the propriety of the treatment of captains Barss and Woodworth, and argued upon it, taking the case sent you on the 27th of July as comprising the whole of the facts relating to captain Nichols and captains Barss and Woodworth. Prior, however, to my entering upon the subject, I recapitulated my repeated attempts to obtain information from you, and added that

'from your silence I am compelled to take up the statement I transmitted to you as correct; if it is not, I feel it my duty to say you should long since have given me a true case.'

"I beg leave to assure you, sir, that the principles stated by me in my letter of the 7th of August, respecting retaliatory measures, were by no means intended as matter of discussion; I consider them as acknowledged principles, and as such applied them to the case. I will not presume to say, they were apposite to the case under consideration, that is a question to be determined by others; but I aver the principles to be sound law.

"The case of captain Nichols, as represented by me, is generally, though not particularly, acknowledged by you, in your letter of the 25th instant, in which you suggest that captains Barss and Woodworth were placed 'in close confinement to be held to answer for the safety and proper treatment of captain William Nichols, late master of the private armed brig Decatur, of Newburyport, who, while a prisoner of war on parole at Barbadoes, during the last spring, had been seized and inhumanly confined in a small hole, on board a prison ship at that place, and barred from all communication for more than a month, and then sent to England in close confinement on board of one of the enemy's ships, for no offence alleged or known, other than that he was accused, by some of the British officers, of having recaptured an American vessel under his command, and taken from him by a British armed vessel before the war.' In the preceding extract you acknowledge that captain Nichols 'was accused by some British officers of having recaptured an American vessel under his command before the war;' this forms a part of my statement to you on the 27th of July. In addi-

tion to which I mentioned, what is omitted by you, but which will eventually come out in evidence, that captain Nichols, on regaining the possession of the Alert brig, put the prize-master and seamen in a small boat, and committed them to the mercy of the winds and waves. It is for this act, principally, he is sent to England to be tried. In a case like the present, I presume this government would not have directed retaliatory orders to issue, without having the facts confirmed under an oath; and I had hoped you would have had the goodness to have sent me copies of the depositions taken. If you can with propriety do it, you will oblige me by sending them. In my letter of yesterday I informed you I had the depositions of two of the men of the Decatur privateer, who were prisoners with captain Nichols on board the prison ship, who swear that he was not 'inhumanly confined in a small hole on board the prison ship,' but that he had a state room in the ship, with the use of the cabin and quarter deck, and that they never heard either captain Nichols or any other person complain of the treatment captain Nichols received. These depositions were taken before a notary public and justice of the peace.

"I am greatly at a loss to account for your having introduced into your letter of the 25th instant, Oswald Lawson's, and three other cases, in evidence of my having (as you are pleased to say) been mistaken in information collected from irregular sources; by this means hinting that my representation respecting captain Nichols appertained to the same class; I have evidently shown that this is not so, and that you and myself agree in the leading point,—that captain Nichols is accused, by one or more of his majesty's officers, of a criminal act before the war. But, admitting that

no one part of my statement was correct, had I not expressly remarked, I am compelled by your withholding all information from me on the subject, to suppose from your silence it contained the truth?"

Boston, September 3, 1813.

SIR,

In answer to your inquiries respecting captain William Nichols, I have to state, that in the year eighteen hundred and eleven, and I think in the month of August, captain Nichols was master of my brig, Alert, belonging to Newburyport, engaged on a voyage to Bordeaux, that two or three days after sailing from that port, on his return home, he was taken by the frigate, having a cargo of wines, brandies, silks, and nothing which could possibly be construed as contraband of war; and his vessel was (after a prize-master and six men were put on board) ordered for England. He and his mate only, with two small boys, being permitted to remain. About three days after, he and the mate rose on the crew, tied their hands behind them, and hoisted out the long boat, being only about forty miles from the land, (and summer time,) rigged her, placed on the sails and oars, put in her two barrels of bread, plenty of beef, two casks of water, a keg of wine, keg of brandy, other small stores, all their clothes, and such conveniences as would be necessary; supplied them with a good compass, quadrant, and then put the six men in the boat, in which they proceeded to, and *safely landed in France.* Captain Nichols and the mate then called on deck the two small boys, who had remained below during these transactions, and proceeded on his voyage. but six days

after, he was again captured by the English frigate Vestal, to whom he related the aforegoing circumstances, and the captain and officers of this frigate did not treat him as though they thought his conduct either criminal or reprehensible—he was carried with his vessel to Portsmouth, in England, and after being on board the frigate in harbor a few days, he came on shore, went up to London, thence proceeded to Liverpool, and there took passage and returned to Newburyport.

A short time after, I gave him the command of another of my vessels, namely, the brig Dolphin, a new vessel, then lying at Newburyport; and he proceeded on his voyage, laden with fish, for Bordeaux; but on his passage out, being at sea thirteen days, he was taken by a British frigate, in company with a sloop of war. The captain of the frigate asked captain Nichols, if he was the person who retook the Alert? captain Nichols replied in the affirmative; the British captain replied, "it was a brave act, and he should treat him as a brave man deserved:" and after experiencing the best of treatment while at sea, this officer delivered, on his arrival, to captain Nichols all his private adventure, the proceeds of which passed through my hands from my correspondent in England; and captain Nichols was not restrained on his arrival in England, but was suffered to be at large and come home passenger in the ship Aurora, by the way of New York, about six weeks prior to the declaration of war between this country and England.

Directly on the declaration of war, I purchased (with my friends) the brig Decatur, and captain Nichols was selected as a suitable character to take the command; and he proceeded on a cruise against the British, took eleven prizes, and return-

ed into port: the Decatur was refitted, proceeded on a second cruise, during which he was taken by the Surprize frigate, and carried into Barbadoes, and there paroled for nearly two months, when the Vestal frigate arriving at that island, he was arrested, sent on board the prison ship, placed in close confinement in a room, built purposely for him, of five feet broad and seven wide, and no person allowed, but his keeper, to speak to him. After remaining in this unpleasing situation nearly six weeks, he was sent on board the British frigate Tribune, and ordered for England, since when we have not heard from him.

Touching the character of captain Nichols as a citizen, a man, and a neighbor, he is modest and unassuming, yet brave and decided; warmly attached to the constitutions, federal and state, of his native country; eager to resist and cool to defend those rights for which the independence of his country was established, and which no unjust pretensions of the enemy will lead him to submit to, however great his personal sufferings. As a man he is strictly moral and sincere, as a husband, parent, and neighbor, tender, indulgent, and affable. His connexions are highly respectable, and are among the first of our citizens. Universal assent among all classes and parties may be had, that captain Nichols is truly an honest, brave, and useful citizen.

I hope this information will be the means of restoring him to his family, his friends, and his country, and I can pledge myself for the correctness of the statement.

I am, sir, your obedient servant,

BENJAMIN PIERCE.

James Prince, marshal Massachusetts.

Extract of a letter from the commissary general of prisoners to colonel Thomas Barclay, dated the 5th of October, 1813.

"In your letters of the 26th and 29th of August, you request me to inform you of the determination of government as to the British captains Barss and Woodworth. You state that captain Nichols, of the American privateer Decatur, was sent to England for an offence he stands charged with prior to the war, to wit: having recaptured his vessel, and put part of the prize crew in a boat at sea. Request me to send you any affidavits or other evidence in the case, and inform me that you are in possession of the depositions of two of the seamen of the privateer Decatur, contradicting statements you have seen, relative to the treatment of captain Nichols. I send you, sir, as you request, although in the present stage of this business, and on your own declarations, I might be very well excused from further explanations on the subject, the copy of an affidavit, by Mr. James Foot, prize-master on board the Decatur at the time captain Nichols was last taken, and present at Barbadoes with him when he was seized and confined; and of a letter from commodore Bainbridge of 3d of June, which communicated it: as also of the narrative of Benjamin Pierce, esq. owner, not only of the privateer in which captain Nichols was last captured, but of the vessel in which he was taken before the war, of all the circumstances of the whole case, with which he must, from his relation with captain Nichols, have been, necessarily, intimately acquainted. The character and standing of Mr. Pierce, precludes all doubt as to the veracity of his account. By it, will appear, that captain Nichols was never prosecuted in England before the war, as you have

been pleased to state, for any act; on the contrary, that he was captured a second time and carried to that country without molestation; that the commanders of your frigates, who made a prize of him, brought no charge against him before the war; and that as to his treatment of the English crew, from whom he so bravely recovered his ves sel, he did all that could have been expected for them, in the unjustifiable situation in which he had been placed; he supplied them abundantly in a good boat, on a smooth sea, in sight of the French coast, on which they safely landed. You lay much stress on the offence you are pleased to impute to captain Nichols, committed, as you say, in time of peace, namely, the retaking his vessel. You compel me, unwillingly, sir, to remind you, that the period to which you allude was a time of peace only on one side; it was "on the side of Great Britain a state of war against the United States, on the side of the United States a state of peace towards Great Britain" Captain Nichols thus had war made on him while peaceably pursuing a lawful commerce; he was justified, by the laws of God and man, to retort the war, so far as to free himself and his property, as soon as he had it in his power to do so.

"You will please to remark, sir, that the narrative of Mr. Pierce was received after the retaliatory measures were taken in this case, and is now used only to rebut the statements you have made, or alleged, of former prosecution and escape of captain Nichols, it was not necessary to assure the government of the facts on which it proceeded, nor were they rested only on the affidavit of Mr. Foote, respectable as it is; all that he has stated was previously confirmed to me by declarations, made in person, by several officers of American

vessels, who were on the spot, prisoners at the time, in Barbadoes; and, the affidavits of the two sailors notwithstanding, (which you say you have become possessed of,) you will find them, in the result, prove correct. In reply to your inquiry as to the determination of the government relative to captains Barss and Woodworth, I have to inform you, that it is firmly, now as it was originally, taken, to hold them as hostages, to answer in their persons for the safety and proper treatment of captain Nichols, in the hands of the enemy."

Extract of a letter from colonel Thomas Barclay, general agent for British prisoners, to the commissary general of prisoners, dated at Harlem, January 24th, 1814.

"I have the honor to enclose you a copy of a letter received from the commissioners for conducting his majesty's transport service, and for the care and custody of prisoners of war, from which you will perceive that captain Nichols, of the Decatur privateer, is not detained in prison for any particular offence alleged against him, but that he is held at Chatham a prisoner, because the privateer which he commanded was not of a sufficient size to entitle him to parole. The commissioners further state, that they had communicated this circumstance to Mr. Beasley, your agent in London, who, I take for granted, has acquainted you with the nature of his confinement, in which captain Nichols is in at Chatham I request that you will order the marshal under whose custody captain Barss is at present, to release him from the strict confinement in which he is at present, and that he may be placed in a situation similar to that in which captain Nichols now is; also, that you will be pleased to release captain Woodworth on pa-

role, as he was prior to his being put into close confinement. I have named the two British captains, not by way of selection on my part, because had their situations been the same, I should have left it to you to release which of the two you thought proper, but under an impression that Woodworth, who is, I believe, a quaker, was master of an unarmed merchant vessel, and therefore entitled to his parole, from masters of merchant vessels being paroled throughout his majesty's dominions.

"If captain Barss was captured in a privateer of fourteen guns, he also should be paroled. I am, however, apprehensive that the vessel he commanded did not carry so many guns. I will inquire into the fact."

Transport office, November 5, 1813.

SIR,

Admiral Griffith having communicated to us your letters of the 14th July, addressed to admiral sir J. B Warren, with its enclosures, relative to the severities practised by the American government towards British prisoners of war, in consequence of the confinement of captain Nichols, of the American privateer Decatur, we acquaint you that Mr. Nichols, who is now at Chatham, is not confined because he put the boat adrift, but simply because the privateer which he commanded was not of a sufficient size to entitle him to parole, of which circumstance Mr. Beasley has been informed, in answer to an application made by him for Mr. Nichols to be admitted to parole.

We are, sir, your humble servants

(Signed) RUPERT GEORGE,
J. BOWEN,
JOHN FORBES.

Thomas Barclay, esq.

Office of commissary general of prisoners,

Washington, 14th February, 1814.

SIR,

I have had the honor to receive your letter of 24th January, transmitting one addressed to you on the 5th November, by the commissioners of the British transport board, by which I am informed that captain Nichols. of the American privateer Decatur, is not detained now in prison for any particular offence alleged against him, but that he is confined simply because the privateer he commanded was not of sufficient force to entitle him to parole. This is to be sure taking a very different ground from that on which you strenuously, in July and August, insisted—Captain Nichols was to be tried for his life for crimes committed in times of profound peace; yet, if captain Nichols is refused his parole, and held in close confinement, on the mere pretext that he did not command a privateer of as many as fourteen guns, it ought to have been explained why he was treated like a criminal at Barbadoes, separated from his fellow prisoners, with whom he would have been long since released, and transported to England in so ignominious a manner; and it would have been but small atonement on the part of your government, to this injured man, for the extreme severity used toward him by its officers, so soon as they had ascertained, which is now admitted, that he had been unjustly accused, to have released him on parole

As, however, it is now declared that there is no intention of bringing him to trial, orders have been given to restore, to the ordinary state of prisoners of war, the British captains Woodworth and Barss, who had been designated as hostages, to be held for his safety. The first to be restored to his

parole, and the last to remain in confinement, where he will be retained for special exchange against captain Nichols.

I have the honor to be, &c.

(Signed) J. MASON.

Col. Thomas Barclay, &c. &c. &c.

Extract of a letter from col. Thomas Barclay to the commissary general of prisoners, dated

" Bladensburg, March 13, 1814.

" SIR,

" I consider it a circumstance to be lamented that captains Barss and Nichols should remain prisoners in close confinement, both being respectable characters; if, therefore, it meets your wishes, I am ready to write to the commissioners in London, to exchange captain Nichols for captain Barss without delay, and request them to restore him, on the receipt of my letter, to liberty, and allow him to return in the first conveyance, public or private, to America. In return, I shall expect captain Barss to be admitted to his parole, and on the arrival of captain Nichols in these states, to be immediately exchanged; or, on receiving a letter from the commissioners expressive of their assent to these exchanges, that captain Barss shall be permitted to return to Nova Scotia on parole in the first conveyance."

Office of commissary general of prisoners,
Washington, March 22, 1814.

SIR,

In reply to your letter of the 13th instant, I readily consent to your proposition, that the exchange of captain Barss against captain Nichols

take place, captain Barss being specially held for that purpose, as I had the honor to inform you in my letter of the 14th ultimo.

So soon as you shall announce to me, that captain Nichols is paroled, a similar indulgence shall be extended to captain Barss; and whenever you may have it in your power to inform me, that captain Nichols is embarked, with permission to return to the United States for the purpose of his exchange, captain Barss shall be immediately permitted to go on parole to Nova Scotia.

I have the honor to be, sir,

Your most obedient servant,

(Signed) J. MASON.

Colonel Thomas Barclay, &c. &c. &c.

Bladensburg, 24th March, 1814.

Sir,

I have, by this morning's mail, received your letter of the 22d instant, in answer to mine of the 13th, respecting captains Barss and Nichols, and agreeing to my propositions. Anxious for their release and exchange, I delayed not a moment to write to the commissioners on the subject, and enclosed them a copy of your letter, and requested their immediate answer.

I have the honor to enclose my letter to them to you, and request you will forward it by tomorrow's mail to the marshal of New York, to be put in the letter bag of the vessel for Gottenburg.

I have the honor to be, &c.

(Signed) THOMAS BARCLAY.

General Mason.

Office of commissary general of prisoners,
Washington, March 30, 1814.

SIR,

The letter for the commissioners of your transport board, enclosed on the 24th instant, was, immediately on its reception, sent to the marshal of New York to go by the cartel to Gottenburg.

To obviate any further misunderstanding on the subject of captains Nichols and Barss, it may be proper to remind you, that I did not agree to all the propositions made in your letter of the 13th of March, relative to them, as you seem to convey in yours of the 24th instant. This will be seen by a reference to my letter of the 22d instant.

I have the honor to be, &c.

(Signed) J. MASON.

Colonel Thomas Barclay, &c. &c. &c.

Bladensburg, 1st April, 1814.

SIR,

Your letter of the [30th] of March, I received by this day's post, and I have the satisfaction to acquaint you there is [no] probability of a misunderstanding between you and me respecting the release on parole, in these states, or eventual return of captain Barss to Nova Scotia, as you apprehend might occur in consequence of your letter to me of the 22d ultimo, not precisely conforming to the proposals contained in my letter of the 13th of that month, and to which it was an answer.

In my letter to the commissioners, I not only enclosed them a copy of your letter of the 22d of March. but concluded it in the words following: "Permit me to request an early answer, so that captain Barss may be permitted to return to Nova

Scotia, in the event of your agreeing to parole or exchange captain Nichols for him; and I beg leave to call your particular attention to the condition expressed in the commissary general's letter, a copy whereof, marked A, is enclosed."

I have the honor to be, sir,
Your obedient servant,
(Signed) THOS. BARCLAY.

General Mason, &c. &c. &c.

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Extract of a letter from colonel Thomas Barclay to the commissary general of prisoners, dated the 17th of September, 1813.

"I have the honor to enclose to you, copies of letters received by the special cartel Roxana at Boston, from rear admiral Griffith, port admiral at Halifax, Nova Scotia, and lieutenant Miller, agent for transports and prisoners of war. I assure you it is with extreme pain, I learn from these letters, that it has been found necessary, on the part of his majesty, to resort to such unpleasant measures, in consequence of the treatment of British prisoners in these states. Several of my former letters to you have conveyed my opinion, that ultimately these measures would be adopted. It is not, at present, my intention to call in question either the justice or policy of this government, in confining British subjects, by way of retaliation, for persons taken on board American ships of war, and private armed vessels, claimed and proved to be native born subjects of his majesty; with the single exception of captain Nichols of the Decatur privateer, sent to England to be tried, charged with an

offence committed prior to the war, cognizable in his majesty's ordinary courts of justice. I shall only remark, for your consideration, that there are at least six times as many American prisoners to his majesty as there are British prisoners in these states, and that if the system is maintained, the inevitable consequence must be, that all the prisoners on both sides must suffer.

"You will perceive from lieutenant Miller's letter, and the abstract of prisoners now enclosed, that his excellency sir George Prevost has sent a number of American prisoners to Halifax, Nova Scotia, from Quebec; the greater proportion of these are land forces, 377 non-commissioned officers and privates, and 44 commissioned officers, including a few naval characters."

(Copy.)

Sir,

I avail myself of the opportunity which a vessel, likely to touch at a port in the United States, offers, to inform you that your despatch to sir J. Warren, by the Agnes, containing one letter dated the 27th of July, together with the copy of a letter to general Mason was delivered to me, and that in the absence of sir John, I thought it necessary to open it

Understanding from the master of the cartel, as well as from the prisoners that came in her, that the British prisoners put in jail, on a retaliatory order of the American government, continue in confinement, I have taken upon myself to order the agent here, lieutenant Miller, to follow the example of the American government, and immediately to shut up in the jail of this town two

American prisoners of war for every British subject he may in future learn, on *satisfactory information*, are confined in the jails of the United States.

I have the honor to be
Your obdt. humble servt.
(Signed) EDWARD GRIFFITH,
Rear admiral.

Extract of a letter from lieutenant William Miller, British agent for prisoners of war, to colonel Thomas Barclay, general agent for British prisoners in the United States, dated at Halifax, August 28th, 1813.

"I have the honor to acknowledge the receipt of your letters 3d ultimo and 2d instant, and herewith beg leave to enclose progressive returns of American and French prisoners of war in my custody to date; and have received since my last return, 17th instant, four hundred and ninety American prisoners of war from Quebec, per his majesty's ships Regulus and Melpomene, list of which I cannot transmit, in consequence of my not having been furnished with any from the Melpomene, but trust by the next conveyance I will be enabled to forward you the same."

Office of commissary general of prisoners,
Washington, September 22, 1813.

SIR,

I received yesterday the letter you did me the honor to address me on the 17th instant, enclosing copies of a communication to you from Mr. Miller, your agent for prisoners at Halifax, dated the 28th of August, and of one from admiral Griffith

without date; by these I learn, in general terms only, that the officers of your government at Halifax, have thought proper to designate a certain number of American prisoners of war at that place to be imprisoned, on the plea of counter retaliation for British prisoners of war held in confinement, as you have been from time to time informed, as hostages, to answer for the safety and proper treatment of American prisoners heretofore named to you, unwarrantably detained, and transported to England or elsewhere for trial.

On that day I received, also, letters from our agent for prisoners at Halifax, Mr Mitchell, which came by the same vessel, the cartel Roxana, and which supply that part of the system adopted at Halifax, not disclosed by your despatches. Sixteen American citizens we now know, sir, have been cast into dungeons, six officers of privateers, to wit: two captains, three lieutenants, and a sailing-master, have been thrust into one noisome hole of the area of nine feet by seven, where they are permitted only to receive the means of respiration and the light of heaven, through an iron barred aperture of twenty-four by ten inches. Ten of the brave crew of the Chesapeake frigate, a carpenter, a boatswain, and eight seamen, have been crammed into two similar dark and impure receptacles of wretchedness. One hundred and fifty-nine American soldiers and seamen have been picked out from their comrades and sent to England for trial. I shall, for the present, sir, make no comment on the character of these transactions. You must be sensible that the spirit and justice of this nation will not permit such wrongs to go unredressed.

When the measures of the government are taken, you shall be informed. In the mean time,

however, it becomes proper to apprize you that these will not, in the smallest degree, be influenced by the consideration which you are pleased to hold up to our view, of the present balance of prisoners in your possession. The fortune of war may change this state of things, or the government may resort to other means of redress against outrages on humanity, if unfortunately they should not be discontinued; but whatever may at any time be its advantage on this score, you may be assured, sir, that it will never avail itself of the power it may happen to have, to violate a solitary principle of right, or cause a single individual to suffer unnecessarily. On all occasions where rigid treatment has been used by us towards any of your prisoners of war, it has been forced on us by some previous act of your officers; our system has been purely retaliatory, and of the mildest nature, since the manner of confinement has never as yet been used by us, to inflict punishment, or made more close than was requisite to hold secure against escape, the persons of the individuals designated ultimately, to answer for consequences; and we have never failed to release instantly, on being informed that the cause for retaliation had ceased.

I have not made these observations, sir, to divert you from your purpose, if it is taken, as seems to be indicated by the course pursued at Halifax; we are ready to meet, by corresponding measures, every treatment of prisoners taken in war, unauthorised by the practice of nations, as well as that of other of our citizens, held in confinement by the authorities of your government, much, perhaps too much of which, has not heretofore been brought into account, in the constant hope, that a relaxation on your part might prevent the opening of wounds additional to those neces-

sarily inflicted by the ordinary course of civilized warfare. On the other hand, I have more than once had occasion to assure you, and now with the greater sincerity repeat, that I have been constantly instructed, and that it is most ardently my own wish, so to conduct the treatment of prisoners of war, as that the only emulation between us will be, who shall most frequently and most effectually alleviate the sufferings of the unfortunate individuals whom the fortune of war may, from time to time, place in the respective power of the two governments.

I earnestly invite your attention, sir, to the alternative, and shall, I pray you to believe, much rejoice if you adopt the latter. .

I have the honor to be, &c.

(Signed) J. MASON.

Col. Thomas Barclay, &c. &c. &c.

Halifax, September 3, 1813.

SIR,

I have written you much, under different dates, to go by this vessel, the Roxana. I have yet much to write, and if possible of a more unpleasant nature than what I have had occasion to mention since my coming here.

I mention being informed of our prisoners being sent to the jail here;—last night brought me a letter from Mr. James Trask, captain Lane, and four others, informing me of their having been brought from Melville island, and were then confined in the *dungeon* of the common jail.

This morning at 8 o'clock I sent a letter to Mr. Miller, of which you have herewith a copy. About 3 P. M. he called on and accompanied me to the jail, there I found the persons mentioned on

the list herewith. The six officers of privateers are in one dungeon, having a light of about twenty four by ten inches, grated, the dungeon is nine feet by seven feet; in two similar holes are ten men belonging to the crew of the Chesapeake, five in each. I have already informed you eleven of this crew have been sent on board different of H. B. M. ships of war: in addition to this, I lament to have occasion to inform you, that besides the fifty-nine men belonging to our troops sent here from Canada, they have picked one hundred seamen from the prison at Melville island, chiefly from crews of privateers; they are embarked and ready to sail for England. I have asked for the list which the agent has promised me; copy shall be sent you as early as possible. I could not describe, even if time would admit, how painful this unwarrantable conduct renders my situation. As Mr. Miller did not answer my last letters, he proposed to me to see the admiral, informing me admiral Griffith had said to him he would see me at any time. But I declined the invitation, satisfied no good could result from it. He had taken his measures, and before I could see him tomorrow, our men will be out of the harbor, and no supplication on my part would relieve one of the sixteen from their horrid dungeon. It is their country that must redress them. They are all in spirits, confident it will do so. Be assured, sir, that this, nor harsher treatment, will intimidate a man who is here in confinement, and I hope it will rouse every man who is at home.

I must here observe to you, that on Mr. Miller's calling on me, and not having written me, I complained of his stating the men as having entered or given themselves up as British subjects. His reply was, it was in consequence of the report

made from the ships to him, though it was evident he did not believe a man had given himself up as a British subject. I complained of it as an unmanly subterfuge, and a breach of the cartel. Besides the list he gave me, he mentioned three had been sent to England in the Spartan, captain Brenton; she sailed a few days since. I shall receive their names and forward them to you.

As the men ordered for England from the prison, were badly off for clothes, I could not procure any ready made, I requested Mr. Miller to supply them with shirts, shoes, &c. from his stores, which he has promised me to do. This I hope will meet your approbation.

I am sir, your most obedient servant.

(Signed) JOHN MITCHELL.

John Mason, esquire,
commissary general of prisoners, Washington.

(Copy.)

Halifax, September 3, 1813.

Sir,

It was with much concern, that I yesterday learned several American prisoners of war, one of them Mr. James Trask, were in the dungeon of the common prison in this town. Will you, sir, be pleased to inform me the particular offence of each person who has been moved from Melville island to the jail here, or why it has been done, and whether I can visit them alone today, if not, if you will do me the honor to accompany, and at what hour?

As regards Mr. Trask, I beg to remind you of a conversation that took place in my office, in which I informed you, that it had been reported Mr. Trask was likely to receive severe treatment

for having broken his parole, and going to sea previous to his exchange; that the marshal finding Mr. Lightbody, of the Maidstone British frigate, in like situation, he would detain him, subject to similar treatment as Mr. Trask. On your assuring me Mr. Trask should be treated and exchanged like the other prisoners, and exchanged with them, I wrote Mr. Prince the marshal at Boston; in consequence of which Mr. Lightbody was permitted to return here in the Agnes. He, I presume, is now here, and can explain the treatment he received at Boston. Further remarks I shall not make on this business, until I have the honor to hear from you.

I am, sir,

Your most obedient servant,

(Signed) JOHN MITCHELL,

Agent U. S. for exchange of prisoners of war.

Lieutenant Wm. Miller,
agent for prisoners of war.

Extract of a letter from colonel Thomas Barclay to the commissary general of prisoners, dated September 27, 1813.

"Your letter of the 22d current, in answer to a part of my letter of the 17th instant, I have had the honor to receive. The copies of letters then enclosed to you, contained all the information I had received from Halifax, on the subject of American prisoners put into confinement in retaliation for British prisoners confined in the United States. It is not in my power to contradict Mr. Mitchell's statement, either with respect to the places in which these prisoners have been confined, or that 'one hundred and fifty-nine other prisoners, soldiers

and seamen, have been picked out from the American prisoners and sent to England for trial.' I am, however, led to doubt the correctness of his information with regard to the former, from the expressions in rear admiral Griffith's letter, that he had taken upon himself 'to order the agent, lieutenant Miller, to follow the example of the American government, and immediately to shut up in the jail of this town (Halifax) two American prisoners for every British subject he may in future learn, on satisfactory information, are confined in the jails of the United States.' The words, 'in the jail of this town,' not comporting either with dungeons or noisome holes, &c. &c. represented by Mr. Mitchell. Not any of my letters notice prisoners being sent to England for trial. Had this been the case, I feel assured lieutenant Miller would have mentioned it; because in accounting for the number of prisoners he is very particular, and in his last return he gives the names of (I think ten) prisoners, who had acknowledged themselves British subjects, and had been turned over to his majesty's ships of war. If he, therefore, noticed ten, I think it more than probable he would one hundred and fifty-nine. This, however, is simply a deduction from analogy, and I beg leave to repeat, I do not contradict Mr. Mitchell's assertion.

"Whatever may be the situation of the American prisoners thus confined in the jail at Halifax, it is evidently the consequence of his majesty's subjects having been confined in the United States of America by way of retaliation for British subjects (with the exception of captain Nichols of the Decatur privateer) taken in arms against their king, and sent to England for trial.

"It rests with this government to determine

whether it will continue its claims to protect his majesty's subjects found on the high seas, or in his majesty's dominions, in arms against their sovereign, at the expense of the ease, comfort, and, perhaps, lives of its native citizens, or restore them to freedom, by abandoning a doctrine not acknowledged by any European power.

"I pass over, without remark, the remainder of your letter, on the unpleasant part of this subject, as the propriety of these measures must be considered and eventually corrected by our respective governments; and hasten to assure you, that it is his majesty's earnest desire that the subjects and citizens of both nations, made prisoners during the war, may receive every comfort and indulgence that humanity dictates."

Office of commissary general of prisoners,
Washington, September 28, 1813.

SIR,

By late advices from our agent at Halifax, for prisoners, we are informed, that the enemy have dealt out to a number of our prisoners of war in their possession at that place, a most inhuman and violent degree of punishment, in retaliation, as they allege, for the confinement of certain prisoners of theirs held by us as hostages, to answer for the safety and proper treatment of several of our officers and seamen, made prisoners of war by them, unjustifiably held and sent off to England, or other places for trial. They have actually thrown sixteen of our citizens (a descriptive list of whom is annexed) into dungeons, the dimensions of which are nine feet by seven, having each a single grated light of about twenty-four by ten inches; the six officers of privateers lie together,

tortured in one of these wretched holes, and five of the Chesapeake's crew in each of two others.

The British authorities at Halifax have moreover selected from the mass of our prisoners in their possession, and sent to England, on the plea of being British subjects, one hundred seamen and fifty-nine soldiers.

These proceedings call loudly on the government for redress; it is to be lamented that this can be only had, by causing the cruelty of the enemy to be felt also by their own subjects, individually innocent. I am commanded by the president to direct that you will, with as little delay as possible, after the reception of this order, designate and confine in dungeons, similar, as nearly as possible, to those I have described as used by the enemy, sixteen prisoners of war, British subjects, now in your charge, or who will very soon be so placed by the late arrangement made, as you are advised, of marching all the prisoners on the maritime frontier, east of you, to Salem; that is to say, six officers of privateers, of as nearly equal rank, as can be done, with those enumerated in the annexed list, now so confined at Halifax, and ten of the crew of the late British sloop of war Boxer; that is, one boatswain and one carpenter, or two petty officers of equal rank, and eight seamen, there to be held in retaliation for the cruelty exercised by the enemy at Halifax, on a like number of our prisoners, as before stated; and further, that you will immediately designate one hundred other seamen, British subjects, prisoners of war, belonging to men of war, privateers, and merchantmen, separate them from the ordinary prisoners of war, place them in close confinement, so as to prevent effectually the means of escape, but not to inflict punishment, and there hold them as hostages, to

answer for the safety and proper treatment of the one hundred American seamen sent from Halifax to England, in the manner I have already described. You will inform all those unfortunate persons, so designated and confined, of the causes by which such a measure has been forced on us, and you will be pleased to make a speedy and regular return For the treatment of the fifty-nine soldiers I will give the requisite orders in another quarter.

I have the honor to be, &c.

(Signed) J. MASON.

James Prince, esq.
marshal of Massachusetts.

LIST of American prisoners of war, confined by the enemy in dungeons at Halifax.

No.	Names.	Quality.	Ship belonging to.	Man of war or privateer.
1	Thomas Carpenter	Seaman	U. S. frigate Chesapeake	Man of war.
2	John Pussy	-	-	-
3	Stephen Ball	-	-	-
4	Silvester Stacy	-	-	-
5	Joseph Goodall	-	-	-
6	John Chappal	-	-	-
7	James Peterson	-	-	-
8	Isaac Porter	-	-	-
9	George Miller	Carpenter	-	-
10	Mathew Rogers	Boatswain	-	-
11	James Trask	Sailing master	Revenge	Privateer
12	John Light	Lieutenant	Juliana Smith	-
13	J. R. Morgan	Commander	Enterprise	-
14	William Lane	-	Wiley Reynard	-
15	David Perry	Lieutenant	-	-
16	Thomas Swain	-	-	-

Extract of a letter from the commissary general of prisoners, dated the 29th of eptember, 1813, to colonel Thomas Barclay.

" In your late letter of the 17th instant, I am informed that sir George Prevost had sent a number of American prisoners, amounting to 377 non-commissioned officers and privates, and forty-four commissioned officers, principally land forces, from the station for exchange at Quebec, to that of Halifax. Desirous of confining my observations at that time to a distinct subject, I did not in my reply, to part of your letter of that date, make any remarks on this most unexpected proceeding. I have now, sir, to demand the reasons for that unjustifiable step, which can but be considered as in direct hostility with the provisions of the cartel; and as a measure replete with harshness and severity toward our officers and men so removed, since they have been thus subjected to an inconvenient and dangerous sea voyage, (by which many, as I am informed by Mr. Mitchell, have suffered much,) and placed in a situation more remote and difficult, as to communication for exchange, without any plea of necessity or safety. What was intended by this removal, or what other measures of a similar nature may be in contemplation by your officers, is not for me to anticipate; but it is proper to inform you that letters have been received from some of our officers of rank, prisoners in Canada, communicating that it has been intimated, by the commander of the British forces, that he intended sending a considerable part of our land forces to England, and among them some, if not all, of the general officers. I find in your letter of the 23d instant, the following passage: 'You will perceive from my letter to you of the 17th instant, that his excellency sir George Prevost has found it neces-

sary to send a number of American officers, non-commissioned officers, and privates, from Quebec to Halifax. I regret this circumstance, as we were, as you say, on the eve of exchanging them by a land route, that is now out of our power; I request your answer for the proposal contained in my letter of the 17th instant'

"Am I to understand from this, that all the American prisoners are already, or will be, removed from Quebec? My impressions were, that you hold there about double the number of those reported to have been sent to Halifax; be pleased to inform me on this subject.

"If the remaining part of the troops be not removed, I must remonstrate, in the most positive terms, as well against what has been done, as against any future removal of our officers or men from the station in Canada appointed for exchanges, to other and distant stations, by useless and harassing voyages by sea."

Harlem, 1st October, 1813.

SIR,

In my letter to you of the 27th of September, in answer to yours of the 22d of that month, I acquainted you that lieutenant Miller, his majesty's agent for transports and prisoners of war at Halifax, had not, in his communications to me, made mention of any American prisoners having been sent to England, and that rear admiral Griffith had also been silent on that subject. I, at the same time, gave you my reasons for doubting the fact.

I yesterday, however, received a letter from lieutenant Miller, dated the 17th of September, in which were enclosed copies of the names of 101 naval and 59 military prisoners sent to England in his majesty's ships Melpomene and Regulus. Copies

of these lists I have the honor to enclose you. You will perceive that the 59 soldiers sent to England, are deserters from his majesty's service, and the name of the regiment to which each of them belonged, placed opposite their names. With respect to the 101 seamen you will observe that lieutenant Miller notices three who were sent "supposed to be British subjects," (opposite to whose names he has made this notitia †.) He has also placed a mark (*) opposite to the names of fifteen other seamen, who, he says, are "men, who have been twice found in arms before they were exchanged." Eighty-three of the seamen sent to England have no mark opposite to their names. I regret this circumstance, as it is my anxious wish to give every possible information on the subject. I apprehend they are men who have acknowledged themselves to be British subjects. I shall, however, avail myself of the earliest conveyance to request lieutenant Miller to give me the reasons respecting the 83 seamen thus sent to England, and shall communicate it to you when received.

A copy of the return of sixteen American prisoners confined in the town jail at Halifax, as a retaliatory measure for eight British prisoners imprisoned in the United States, I transmit herewith. Four of these are confined for Squirrel and Russell of his majesty's ship Dragon; but, as you have since released Squirrel and Russell, and I have sent admiral sir John B. Warren notice of it, the four men now in confinement will be released the instant my letter is received. I shall forward a duplicate, and also write lieutenant Miller to release the four American prisoners confined for Squirrel and Russell.

I have the honor to be, sir,
Your obedient servant,
(Signed) THOMAS BARCLAY.

General John Mason, &c. &c. &c.

LIST of one hundred American prisoners of war discharged from the custody of lieutenant William Miller, agent for prisoners of war at Halifax, N. S. per order Edward Griffith, esq. rear admiral of the blue, commanding in port, &c.

	Name of prize.	Whether man of war, privateer, or merchant vessel	Prisoners' names.	Quality.	Time when discharged.	Whether, and by what order, and the date thereof.	Current Numbers.	Name of prize.	Whether man of war, privateer, or merchant vessel	Prisoners' names.	Quality.	Time when discharged.	Whether, and by what order, and the date thereof.
1	Wiley Reynard	Privateer	Thomas Costen	Gunner	Sept 1813.		52	Teazer	Privateer	M. Waterhouse*	Seaman	Sept 1813.	
	.	.	John Jones	Boatswain	.			Porcupine	L. of marque	Abraham Francis*	.	.	
	.	.	John Jackson	Cook	.			.	.	Daniel Lucas*	.	.	
	.	.	Henry Butler	Steward	.		55	.	.	Jacob Johnson*	.	.	
5	.	.	John Carles	Seaman	.			.	.	James Andrews*	.	.	
	.	.	John Brisk	.	.			Thomas	Privateer	John Thompson	.	.	
	.	.	John Machahan	.	.			.	.	John Card	.	.	
	.	.	John Boyer	.	.			.	.	Robert Hillsbrook	.	.	
	.	.	William Kirkpatrick	.	.		60	.	.	Henry Pitman	.	.	
10	.	.	Perry Hall	.	.			.	.	John Marshal	.	.	
	.	.	William Lindsey	.	.			.	.	Pellere M'Intire	.	.	
	.	.	Hezekiah Wilson†	.	.			.	.	Jeremiah Drisco*	.	.	
	.	.	Manuel Tois	.	.			.	.	Ephraim Cruss*	.	.	
	.	.	Joseph Wood	.	.		65	Rolla	.	Robert Brown	.	.	
15	.	.	Joseph Brown	.	.			.	.	Thomas Ferguson	.	.	
	.	.	N. Holden	.	.			.	.	James Hunter	.	.	
	.	.	Charles Kingman	.	.			.	.	Robert Forsyth	.	.	
	T[illegible]n	.	Robert Parkert	.	.			Wasp	.	Edward Cooper	.	.	
	.	.	Joseph Forrester	.	.		70	.	.	James Richardson	.	.	
20	[illegible]	.	Zachariah Owen	.	.			.	.	Elisha Smith	.	.	
	[illegible]	.	George Pider	.	.			.	.	Asa Tuftes	.	.	
	.	.	Nathaniel Weston	.	.			.	.	Joseph Spaulding	.	.	
	.	.	Charles Greene	.	.			.	.	Robert Stoddard	.	.	
	.	.	Benjamin Ward	.	.		75	Yorktown	.	G. W. Hamilton	.	.	
25	.	.	Benjamin Hill	.	.			.	.	Goodman Anderson	.	.	
	Montgomery	.	Daniel Ropes	.	.			.	.	John Jessamine	.	.	
	.	.	Ex. Henfield	.	.			.	.	John Davis†	.	.	
	.	.	William Clark	.	.			.	.	Charles Blake	.	.	
	.	.	William Wanton	.	.		80	.	.	Elisha Pond*	.	.	
30	.	.	John Forbes	.	.			.	.	Henry Bump*	.	.	
	.	.	Thomas Sparks	.	.			.	.	Charles Johnson*	.	.	
	Julian Smith	.	John Phinney	.	.			.	.	Samuel Golding	.	.	
	.	.	Asa Higgins	.	.			.	.	Isaac Gilbert	.	.	
	.	.	George Lawrence	.	.		85	.	.	James Wilson	.	.	
35	.	.	Nich. Verplust	.	.			.	.	W. Rodgers*	.	.	
	.	.	Thomas Snow	.	.			.	.	Richard Eddy	.	.	
	Enterprise	.	Joseph Clontman	.	.			.	.	John M'Kay	.	.	
	.	.	John Widger	.	.			.	.	Hans Selby	.	.	
	.	.	Peter Melard	.	.		90	.	.	Charles Brown	.	.	
40	.	.	Nathan Fuller	.	.			.	.	Daniel Stroms	.	.	
	.	.	John Clothy	.	.			Lavinia, R. C. from Yorktown	.	Edward Philips	P. master	.	
	.	.	Henry Terry	.	.			Snap Dragon	.	John Barne	Seaman	.	
	.	.	Robert Russell	.	.			Polly	.	William Brown	.	.	
	.	.	Frederick Williams	.	.		95	.	.	John Cook	.	.	
45	.	.	Jesse Cross*	.	.			Columbia	.	Isaac Hawkins*	.	.	
	.	.	William Clothy*	.	.			Ulysses	L. of marque	James Birmingham	.	.	
	Gov. Plumer	.	Isaiah Pettigal*	.	.			Fox	Privateer	Thomas Browne	.	.	
	.	.	John Tarlton	.	.			Thomas	.	Thomas Hott	.	.	
	.	.	Isaac M'Kenny	.	.		100	Yorktown	.	James Evert	.	.	
50	.	.	John Varney	.	.		101			James Waling	.	.	
	.	.	Samuel Moore	.	.								

His majesty's ship Regulus for England, per order rear admiral Griffith, commanding his majesty's ships Halifax harbor

His majesty's ship Regulus, for England per order

The foregoing American prisoners of war victualled at Melville Island the day discharged

(Signed) W. MILLER, *agent for prisoners of war*

* Men who have been twice found in arms before they were exchanged

† Supposed to be British subjects

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SENT TO ENGLAND, BEING BRITISH SUBJECTS.

List of American prisoners received into the custody of William Miller, and sent to England on board Melpomene.

Current number	Prisoners' names.	Time when taken.	Name of British regiment to which they belonged.	Whether and by what order discharged.
1	John Doud	24th June, 1813.	19th regiment of foot.	
	John M'Gowan			
	John Browo			
	James Henry			
5	Darby Cannody			
	Patrick M'Dennis			
	James Carey			
	James Given			
	Hindren Andersoo			
10	John Mackey			
	Thomas Stewart			
	Robert Maxwell			
	Matthew Flagherty			
	James Miller			
15	James Scott			
	Hugh M'Guire			
	Edward Cranney	- - -	6th regiment of foot.	
	Andrew Coke	- - -	do do do	
	G. M'Hendrick	- - -	1st light artillery.	
20	Thomas Taggart	- - -	19th regiment of foot.	
	Thomas S. Newland			
	J. Fitzpatrick			
	James Loury			
	Michael Wayne			
25	John Lynch			
	Thomas Clayton			
	James Evans			
	Barney Hoy			
	Major Watson			
30	Mathew Camphell			
	John Napernay			
	William Melvin			
	William M'Roy			
	Edward Evans			
35	Charles M'Keever			
	Charles Dencon			
	Edward Denmade			
	George Courtney			
	William Sloin			
40	Archibald Patterson			
	Robert Norton	- - -	6th regiment of foot.	
	Edward Gorman	- - -	do do do	
	Dominick Cannon	- - -	14th do do	
	James Hunter	- - -	6th do do	
45	James Brown	- - -	14th do do	
	John Barlow	- - -	5th do do	
	William Kelly	- - -	14th do do	
	Patrick Cahoe	- - -	do do do	
	John Eagan	- - -	1st do do	
50	Samuel Gray	- - -	14th do do	
	William M'Ever			
	John Smith			
	John Todd			
	George M'Mullen			
55	Charles Kelley			
	John Smiely			
	Benjamin M'Conagehy			
	Con. O'Neil			
59	John Feeney			

Sent to England in his majesty's ship Melpomene, per order of rear admiral Griffith.

(Signed) W. MILLER,
agent for prisoners of war.

Extract of a letter from colonel Thomas Barclay to the commissary general of prisoners, dated Oct. 3, 1813.

" I have prepared an extract of that letter (from the commissary general of prisoners, of 22d September) to be sent with one from me to lieutenant Miller, his majesty's agent for prisoners at Halifax, requesting him to inform me whether the American prisoners confined in the town jail at that place, are treated in the manner it has been reported to you, and stating the nature of the confinement and treatment the British prisoners experience, who are held under retaliatory orders from this government. I cannot persuade myself they are put in such places as those you describe, because Mr Miller writes me, they are confined in the town jail. If they were immured in cells under ground, I think he would have so expressed himself "

Extract of a letter from col. Thomas Barclay to the commissary general of prisoners, dated the 4th Oct. 1813.

" I assure you that I had no information of the sending, or the intention of sending, the American prisoners from Quebec to Halifax, until I received lieutenant Miller's letter on the subject, and I did not delay a moment to communicate to you an event equally opposed to my inclination and yours. I, however, am convinced sir George had good reasons for the measures. I do not know of any other prisoners having been sent to England, than those specified in the two lists enclosed to you on the first instant. These were, or at least are stated to be, native subjects of his majesty. It is not to be credited, that bona fide American citizens, prisoners of war, unless under very special circumstances, will be sent to England."

Extract of a letter from the commissary general of prisoners to colonel Thomas Barclay, dated the 9th of October, 1813.

"Your several letters of the 1st, 3d, and 4th of this month have been received. With respect to the seamen and soldiers, American, sent from Halifax to England, whose case I stated in my letter of the 22d September, and lists of which you have sent me, I will at present only remark, that as to the 59 soldiers, I am by no means prepared to admit that they were deserters from the British service when they enlisted in ours. The list even, which you send, does not so state it, but as to part; and in the next place, when the prisoners of either party are taken from the ordinary state of prisoners, are sent off, or are confined, or rigidly treated under any plea, the other has a right to expect more full and satisfactory evidence than such as you exhibit. Mr. Mitchell, our agent at Halifax, applied in vain to have these men examined, or some evidence adduced respecting them. Again, what has been furnished by your agents is contradictory in itself. The list furnished Mr. Mitchell, at Halifax, is headed, 'Return of soldiers taken in arms in Upper Canada, belonging to the United States' army, who have delivered themselves up as British subjects.' In the list you have furnished, that plea is abandoned, and they are called, in part, at least, deserters. I beg leave to refer you (as you have the correspondence) to the letter of Mr. Mitchell to Mr. Miller of the 1st September, where he remonstrates on this subject, and states that one of the soldiers he had conversed with, and the only one he had seen, claimed to be an American, named the state and county in which he was born, and entreated his interference. On the list of the 101 seamen, American prisoners sent off to England, you admit that against 83 you know of

no charge; you apprehend they have given themselves up as British subjects You state that three are supposed to be British subjects, and that fifteen have been twice taken in arms.

"You cannot certainly apprehend that American citizens, native or naturalized, would give themselves up as British subjects; and it is almost as difficult to suppose that a British subject, if there were such taken in arms against his country, would voluntarily discover himself; these are self-evident propositions about which no argument is necessary.

"If there were any taken twice in arms, a treatment different from that to ordinary prisoners, was to have been expected; but we claim and shall insist on being furnished with the circumstances attending each case, as I furnished you in the case of midshipman Lightbody, in my letter of the 13th of June, that an opportunity may be afforded of examining into the facts; and until such information is given it must be considered that these men, so detained, are unjustly treated by your officers.

"I shall probably soon have some cases of a similar kind to bring to your notice, and I solicit your attention to the course to be adopted, as well as to proofs as to treatment"

Extract of a letter from the commissary general of prisoners to the marshal of Massachusetts, dated

"Washington, 11th October, 1813.

"SIR,

"Since the date of my letter of the 28th September, directing the confinement, and its particular manner in each case, of six officers and one hundred seamen, I have received letters from our agent, Mr. Mitchell, at Halifax, dated the 12th of

September, by which I find the nature of the confinement of the six officers, and ten of the Chesapeake's crew, which I then described to you, although yet inhumanly rigid, is somewhat changed. The following is the passage of his letter on that subject: 'I visited today the jail and prison at Melville island. I found the six officers removed to the upper part of the jail, the room is tolerable, though small for six persons who are allowed no exercise out of it. The ten of the Chesapeake's crew, are still in the cells, but are allowed to walk in the yard in the day, while centinels attend. The allowance of the whole is the same as at Melville Island.' I understand by this that the six American officers of privateers and merchantmen, have been taken out of the dungeon and put into a small upper room, and there constantly kept, and that the two under officers, and eight men of the Chesapeake, are still confined in the same dungeons before described to you, but are allowed to walk occasionally in the day under guard; you are therefore now requested, sir, to make the mode of confinement, as nearly as possible, of the six officers, and the ten under officers and crew of the Boxer, directed in my order of the 28th, to be as nearly as possible similar, for each class, to that described in the foregoing extract from Mr. Mitchell."

Office of commissary general of prisoners,
Washington, 12th October, 1813.

SIR,

This will instruct you, by order of the president, to designate, immediately on reception of this letter, fifty nine prisoners, British subjects in your

custody, soldiers or marines, not of the militia, and the first in preference, if you have as many, whom you will separate from the ordinary prisoners, place in close confinement, so as to prevent, certainly, the means of escape, and you will so hold them, subject to further orders from this office, as hostages, to answer for the safety and proper treatment of fifty-nine of our prisoners, soldiers, unjustifiably lately sent, in confinement, from Halifax to England: in making your designation for this purpose, if you hold more than the requisite number of soldiers, (many of whom I understand served as marines on board the fleet lately captured on the lake,) you will designate by lot, and so too with the marines, if you have recourse to them next in order. When you have completed your designation you will make an immediate return to this office, descriptive of names, corps to which belonging, where captured, &c.

You will inform the unfortunate men so selected and confined, fully of the cause of this measure. You will issue to them the same rations, &c. allowed to other prisoners, and you will in no way make their treatment more rigid, at this time, than may be necessary to prevent escape.

I have the honor to be, &c.

(Signed) J. MASON.

Thomas Steele, esq. deputy marshal of Ohio.

Extract of a letter from John Mitchell, esq. United States' agent for prisoners of war in Nova Scotia, to the commissary general of prisoners, dated at Sherwood, near Halifax, October 18, 1813.

"I send you herewith copy of a letter I received yesterday from lieutenant Miller, agent for prisoners here, dated the 17th.

" You will perceive he reverts back to my letter and inquiry, dated the 4th, in order to communicate the intention of the commander in chief to send to England the major part of the prisoners at this station; here then we have, without disguise, the intentions of the commander in chief, and we, I presume, will take measures accordingly, and efficient ones.

" Our people are at present very sickly at Melville island; there are daily deaths; the climate is very inimical to our people, especially such as are any ways inclined to complaints in the breast; and the troops from Canada have suffered much from diarrhœa here; there are of them from fifteen to twenty constantly in the hospital. We have lost above thirty persons within a month past, and there are fifty-six persons now in the hospitals, and from appearances (the 15th) most of them dangerously ill. In general they are in good spirits, and all preferring to suffer, rather than our government to suffer itself to be dictated to, or to sacrifice any girht."

Extract of a letter from lieutenant Miller, agent for British prisoners, to Jno. Mitchell, esq. agent for American prisoners at Halifax, dated October 17, 1813.

" I have also communicated with the commander in chief that part of your letter of the 4th instant, wherein you request to be informed, whether there is any prospect of a cartel being sent from hence to the United States with prisoners of war, and what number will probably be sent before winter sets in?

" I am directed to state, that in consequence of the present measures adopted by the American government towards British prisoners of war, and their detention in various parts of the United States,

contrary to the stipulated agreement in the cartel, he is determined to send the major part of those now in my custody to England, as soon as the transports arrive from Quebec."

Office of commissary general of prisoners,
Washington, November 23, 1813.

SIR,

When you were lately at the seat of government, I communicated to you, personally, that retaliatory measures had been resorted to by this government for certain highly unjustifiable acts of your officers at Halifax, stated at large in my letter to you of the 23d of September.

I now transmit you two returns from the marshal of Massachusetts; one of *one hundred and one* British maritime prisoners of war, designated and confined to answer in their persons for the proper treatment and safety of *one hundred and one* American maritime prisoners of war, enumerated in the same return, taken from the ordinary state of prisoners at Halifax, and sent to England for trial; and one of sixteen British maritime prisoners of war confined, six in close custody and ten in dungeons, as hostages in like manner, and in retaliation for similar severity inflicted on *sixteen* American maritime prisoners, also there described. Orders have been given to designate and confine separately from the other non-paroled prisoners, *fifty-nine* British soldiers, prisoners of war at Chilicothe, in the state of Ohio, to be held to answer for the safety and proper treatment of *fifty nine* American soldiers sent to England from Halifax in August last, in the manner before mentioned. As to our maritime prisoners, relative to whom

returns have not yet been received, as soon as they come in a copy shall be furnished to you.

As the settled determination of this government, on subjects of this nature, has been already more than once made known to you, I shall on this occasion make but few remarks. In my letter of the 9th October, I adverted to the singular heading used by your officers, and then for the first time resorted to, which was placed over the returns of our prisoners, designated for the purposes before mentioned, declaring that they had given themselves up as British subjects. This I then insisted, from the very nature of the case, carried with it its own contradiction.

First protesting against any construction which may be used, in the most remote degree, to throw the proofs, in such cases, on this government, and against all commitment as to the description of persons captured in our service, whom it may deem proper to claim and defend, I have now to inform you, sir, that I have in my possession the means of showing the falsity of that declaration, by documents of the most minute and unquestionable kind, establishing the birth, within the United States, of very many of our prisoners so designated and described. (*a*)

But, sir, these are not the only cases in which it is plainly shown how the conduct of your officers in seizing and separating our captured men from the ordinary state of prisoners, and subjecting them to long and painful confinement, has stood self-condemned on their own assumed ground. I will instance, among many that might be cited, the cases of five at least of the six men from the crew of the Nautilus; the six men of the crew of the privateer Sarah Ann, thus taken, long held, and finally discharged; and the twelve men

(*a*)—NOTE BY THE COMMISSARY GENERAL OF PRISONERS.

Documents have been already lodged in this office which prove, that of the 101 seamen, shown in the list furnished the American agent at Halifax, by lieutenant Miller, the British agent for prisoners, in his letter of the 1st September, to be sent to England as British subjects, 40 were born in the United States, as enumerated below. Respecting the name to which this (†) mark is affixed, see colonel Barclay's letter of the 1st October.

NO.	NAMES.	WHERE BORN.
1	Thomas Costan	Northampton, Virginia.
5	John Carless	Hillsborough, New Hampshire.
7	John Machahan	New Jersey
14	Joseph Wood	Norfolk, Virginia.
16	Nathaniel Holden	Gloucester, Massachusetts.
17	Charles Kingman	Boston, Massachusetts, 12 February, 1797.
†18	Robert Barker *alias* Parker	Danvers, Mass. certificate citizenship dated 16 Aug. 1797.
22	Nathaniel Weston	Salem, do 2 February, 1793.
23	Charles Greene	Newburyport, Massachusetts, 17 September, 1792.
25	Benjamin Hill	Salem. do. 11 December, 1791.
28	William Clarke	Marblehead, do. 30 September, 1789, baptized.
26	Daniel Ropes	Salem, do.
30	John Forbes	Do. do. 3 October, 1784, baptized.
34	George Lawrence	Do. do.
37	Joseph Cloutman	Marblehead, do. 24 March, 1793, baptized.
38	John Widger	Do. do. baptized 8 May, 1783.
39	Peter Melzard	Do. do. baptized 29 September, 1793.
41	John A Clothy	Do. do.
43	Robert M. Russell	Do. do.
45	Jesse Goss	Do. do. baptized 3 April, 1796.
46	William Clothy	Do. do. certificate citizenship, 13 Ap. 1799.
47	Josiah Pettingall	Danvers, do. 21 January, 1796.
48	John Tarlton	New Castle, Maine, certificate citizenship, 5 Feb. 1806.
49	Isaac M'Kenny	Scarborough, do. ditto 11 Nov. 1811.
50	John Varney	Wells, do. 13 October, 1792.
51	Samuel Moore	Camden, do.
53	Abraham Francis	Marblehead, Mass. 12 June, 1799.
56	James Andrews	Boston, do. 30 January, 1792.
58	John Card	New Castle, Maine, certificate citizenship, 28 April, 1812.
59	Robert Holbrook	Portsmouth, Newhampshire, do. 6 August, 1812.
60	Henry Pitman	Do. do. 1790.
61	John Marshall	Do. do. certificate citizenship, 12 Mar. 1811.
62	Pelere M'Intire	Alfred, Maine, ditto 16 Aug. 1797.
63	Jeremiah Drisco	Portsmouth, N H. ditto 22 March, 1809.
64	Ephraim Cross	Andover, Mass. ditto 11 July, 1801.
67	James Hunter	Boston, do. ditto 5 Oct. 1801.
70	James Richardson	Woburn do. ditto 9 Aug. 1805.
71	Elisha Smith	Beverly do. baptized 25 May, 1777.
94	William F. Brown	Salem, Mass. baptized 7 Oct. 1792, certificate 1 Oct. 1812.
95	John Cook	Do. do. certificate citizenship, 30 May, 1806

of the crew of the Wasp, taken and held in like manner, three of whom have fallen a sacrifice to, and died during severe confinement, and the remaining nine, as you have informed me, are at length restored to the ordinary state of prisoners in Halifax for exchange. In this last instance I refer you, sir, to the letter from commodore Berresford to admiral Warren, of which I furnished you a copy, and in which he states, explicitly, that he had designated and detained them merely on suspicion, and because our officers could not, of their own knowledge, declare that they were native born Americans.

I have the honor to be, &c.

(Signed) J. MASON.

Colonel Thomas Barclay, &c. &c. &c.

Harlem, November 30, 1813.

Sir,

I have received your letter of the 24th instant, with copies of two lists from the marshal of Massachusetts; the first exhibiting the names of one hundred and one British maritime prisoners of war, designated and confined, as you inform me, to answer in their persons for the proper treatment and safety of one hundred and one American maritime prisoners, enumerated in the same list, taken from the ordinary state of prisoners at Halifax, and sent to England for trial; the second list details the names of sixteen other British seamen, prisoners, confined, six of them in close custody and ten in dungeons, as hostages, in like manner, and in retaliation for similar severity inflicted on sixteen American seamen, prisoners, therein described.

You acquaint me at the same time, that orders have been given to designate and confine, separately from the non-paroled other prisoners, fifty-nine British soldiers, prisoners at Chilicothe, in the state of Ohio, to be held to answer for the safety and proper treatment of a similar number of American soldiers sent to England from Halifax, relative to whom returns had not yet been received, but that when they came in a copy should be sent me.

I am much obliged to you for the lists sent, and will thank you for a copy of the third list when you receive the original.

I have more than once stated to you, sir, that I had been directed by my government to abstain from intermeddling on these unpleasant national points, but to leave them to be discussed and arranged by the two governments.

If your government, as you hint, is in possession of any documents that may tend to the release of any Americans confined in a special manner, and feels inclined to communicate them to his majesty's ministers, or to admiral sir John Warren, I will with pleasure transmit them.

I refrain making any remarks on several expressions you have used in your letter; it is probable, had you re-examined the letter; you would either have omitted or softened them. Harsh expressions tend to irritate, not to convince.

Was I authorised to enter upon the subject of your remarks, I should state, as known and acknowledged principles, that a sovereign has a right to inquire, by the ordinary process of law, whether any of the persons made prisoners during war, by his forces, naval or military, are his subjects, and on conviction to punish them accordingly; that reasonable suspicion was sufficient ground to direct an inquiry; that it was the duty

of his majesty's officers to apprehend and send to England for trial, all such prisoners as there were strong reasons to believe were native subjects of his majesty. I should at the same time acquaint you, that on such trials the onus probandi lay on the part of the prosecution, and that evidence on the part of the prisoner could only be necessary to rebut other testimony.

I shall avail myself of the earliest conveyances to transmit to his majesty's commissioners, and to the admiral in chief, copies of your letter, and of the lists above mentioned.

I have the honor to be, &c.

(Signed) THOMAS BARCLAY.

General Mason.

Extract of a letter from col. Thomas Barclay to the commissary general of prisoners, dated December 9, 1813.

"On the receipt of your letter to me of the 22d of September, in which you communicate the information Mr. Mitchell, the American agent for prisoners of war at Halifax, had detailed to you, respecting the treatment of sixteen American prisoners placed in close confinement at Halifax, on principles of retaliation, I remarked in my reply, that although I would not hazard, from want of information, to contradict Mr. Mitchell's assertions, still that I could not give credit to them, as they differed so materially from rear admiral Griffith's and lieutenant Miller's representation.

"Anxious to obtain satisfactory information on this point, I availed myself of the earliest information to request of lieutenant Miller a correct and particular description of the places in which these sixteen Americans were confined in the town jail of Halifax, and the treatment they receive, re-

gether with a general description of the prison ship and hospital at Melville island, where ordinary prisoners of war are confined. By the same conveyance I requested a mercantile friend of mine to visit the jail where the sixteen American prisoners were confined, examine their apartments, and minutely to inspect the prison ship and hospital at Melville island.

"I yesterday received lieutenant Miller's official answer, also, a private letter from my friend, extracts of which I have the honor to enclose to you. I also enclose an extract of that part of your letter to me of the 22d of September, in which you communicate the statement which Mr. Mitchell had transmitted to you of the dungeons, dark and impure receptacles of wretchedness, &c. &c. into which sixteen prisoners were confined. You will be pleased to contrast the whole together, and draw such conclusions therefrom as the respective documents merit

"I beg you will notice particularly the enclosed copy of a letter from the sheriff of Halifax, to lieutenant Miller, on the subject of the rooms in which the prisoners were confined, and a copy of Mr. Mitchell's letter to lieutenant Miller, in which he acknowledges that the removal of the prisoners from the rooms in which they were confined in the jail to the common prison on Melville island, 'was a change not for the better.' With respect to the prison on Melville island, or the treatment the prisoners received there, I do not recollect your having at any time made complaint. I have personally examined several American prisoners on the subject, who expressed their satisfaction as to the place and treatment, and observed that confinement and a scanty allowance were all they complained of. The prisoners from Mr. Mitchell's

account, appear to regret the 'dark and impure receptacles of wretchedness' they have left, which they prefer to the pleasant, healthy, and comfortable island on which they are now confined. For this exchange they are wholly indebted to Mr. Mitchell."

Copy of a letter from Mr. Mitchell to lieutenant Miller, dated Sherwood, November 3, 1813.

SIR,

I was honored with your letter of the 25th ultimo, informing me of the removal of the American prisoners from the town jail to the prison ship at Melville island, and that removal I presumed would have been an amelioration of their situation, but on visiting them yesterday, I learned from them that their situation is worse than the town jail, except the indulgence of the prison yard, and of seeing their fellow prisoners; on the whole, the change for them is not a change for the better.

I have the honor to be with, &c.

(Signed) JOHN MITCHELL.

(Copy.)

Halifax, 8th November, 1813.

MY DEAR SIR,

Agreeably to your request, I, on the 6th instant, went through the jail, and every part of the prison ship, other jails, and hospitals for the prisoners. I found that every part of the jail was perfectly dry and comfortable; there are no dungeons; the rooms where the Americans were confined are about twelve feet by seven, a window opening to fresh air, and another in the door, which communicates with a large hall. The jail is in a high part of the town, and these rooms are about two thirds below the surface of the ground.

The room the officers were confined in, is in the second story, twenty feet by twelve, two windows with fine prospects. From nine in the morning till four in the afternoon, the prisoners were permitted the free use of a large yard; rather indeed a field. In consequence of the false statements in the American newspapers, I am informed those prisoners who were in the jail, are now on board the prison ship. From the jail I went to Melville island, where the prison ship lies, and on which the prisons, &c. are erected; it is a beautiful little island, surrounded by salt water, which supplies an abundance and variety of fish; the situation must be as healthy as any in the world. I first went through the prison ship, which is very large, and kept in much better order than I could have anticipated. She is completely housed over, by which means they have tiers of apartments above water, and she is upwards of six feet clear between the beams. No prisoners are kept in that part of the ship below water, and a great part of the day the prisoners are on shore in the open air, when the weather permits. I then went to the hospital room, which is in the upper part of a high building, where they have as much air as they please.

I am with respect, sir,
Your obedient servant.

Colonel Thomas Barclay, &c. &c. &c.

(Copy.)

Halifax, 24th November, 1813.

Sir,

In reply to your letter of this day, requesting to be informed of the state and condition of the apartment assigned forthe safe keeping of several

prisoners of war, ordered to be held in the county jail, in September last, I beg leave to observe, that the apartments allotted to them were in every respect suitable, and sufficiently large, and well ventilated, and every possible indulgence granted to them during their confinement, which was consistent with their situation. And I must beg leave to observe, when they understood that they were to return to Melville island, they expressed their sorrow at being removed, and acknowledged, in my presence, the indulgence which they had received from the jailor and his family. The first two or three days after they came to the jail, we were obliged to keep them rather more closely confined than they were afterwards, when three apartments were allotted to them, and the use of the entry for those below; and the privateersmen were put into a room by themselves, up stairs, sufficiently large for their accommodation.

I have the honor to be, &c.

(Signed) JONES FAWSON,
sheriff of the county of Halifax.

Lieutenant Miller,
agent for prisoners, &c.

Extract of a letter from lieutenant Miller, agent for British prisoners at Halifax, to colonel Thomas Barclay, dated 24th November, 1813.

"I have the honor to acknowledge the receipt of your letter of the 5th ultimo, enclosing me an extract taken from general Mason's, dated Washington, 22d September, 1813, and beg leave to transmit herewith, for your better information, the following particulars, which will evidently confute the authenticity of said extract.

"Description of the town jail, viz :—dimensions

of each cell, 11 by 7 feet 8 inches; 7 feet 4 inches [illegible] 24 by 17 inches; another in the [illegible]e, together with being allowed [illegible] during the night, with a passage of 30 by [illegible] and 8 feet high, at the end of which is a window of 24 by 17 inches, with the use of other cells of the above dimensions, and windows as before described, were the places where ten prisoners were confined from 4 in the afternoon until 9 o'clock in the morning.

"The six officers were confined in an upper room, of 20 by 12 feet, and 8 feet high, with two windows of 4 by 3 feet each, commanding a pleasant prospect of the surrounding country and harbor, with permission to take the air occasionally in a yard of 84 feet square (accompanied by the seamen.)

"When confined on board the ship, they had the following accommodation: between decks 20 by 14 feet, with two scuttles; also a similar space in the lower deck of the same dimensions and accommodations, with scuttles also, and permission to visit the prison yard from 9 to 4 P. M. With respect to the prisoners sent to England in the Regulus, was in consequence of a number of prisoners being daily expected from Quebec, together with the crowded state of the prison; the season very hot, and the small pox being very prevalent, was the ultimate cause of Admiral Griffith's directing me to send them away. I also selected some who had endeavoured to effect their escape, with others who had shown a mutinous disposition; and those marked thus (†), were supposed to be British subjects.

"Having enclosed captain Kempt's letter (at Quebec) respecting the soldiers suspected to be also British subjects, is all the information respecting

them I have in my possession, in consequence of their never being in my custody, only inserted on my books, for the purpose of supplying them with a suit of clothes each."

Extract of a letter from lieutenant William Miller, British agent for prisoners of war, to the right honorable sir J. B. Warren, bart. K. B. admiral of the blue, and commander in chief, dated at Halifax, N. S. November 25, 1813.

"The following are the dimensions of the cells in the jail of Halifax: *cells*, about six feet beneath the surface, *lined with plank all round.*

Length, eleven feet to door.
Breadth, seven feet eight inches.
Height, seven feet four inches.

Grate at the end for the admission of light and air:
Height, one foot eight inches.
Breadth, one foot five inches.
Small grate at each door.

Passage between the cells:
Length, thirty feet.
Breadth, five feet.
Height, eight feet.

A grate at the end of the passage to cell doors.

A commodious room up stairs:
Length, twenty feet three inches.
Breadth, twelve feet.
Height, eight feet.
Two windows fronting the road, four feet by three, with a chimney.

This room fronts the main road, and the prisoners have a complete view of the harbor and surrounding country.

Area of the yard eighty-four feet, where the prisoners were permitted to remain from 9 to 4 o'clock.

(Signed) WILLIAM MILLER,
agent for prisoners of war.

Harlem 9th December, 1813.

SIR,

Your letter of the 9th of October was on its way to this place at the moment I was on the road to Washington, and was afterwards transmitted to me thither. Both your time and mine were so wholly engaged during the period I remained at Washington, that I had not a moment in which to reply; and on my return home I was induced to delay the answer, in the hope of receiving full and satisfactory information from lieutenant Miller, his majesty's agent for prisoners. I yesterday received letters and documents from him, which I trust will remove many of the objections you have stated to me, respecting the conduct of his majesty's servants towards American prisoners.

In your letter above mentioned you remark that "as to the 59 soldiers, (alluding to those sent to England in his majesty's ship Melpomene,) you are by no means prepared to admit that they were deserters from the British service when they enlisted into the United States' service; and that the list which I had forwarded to you did not so state it, but as to part." You further remark, that when the prisoners of either party are taken from the ordinary state of prisoners, and sent off, or are confined or rigidly treated, under any plea, the other has a right to expect more full and satisfactory evidence than that which I had exhibited to you: (alluding to the copies of papers from lieutenant Miller on the subject of the 59 men, and other papers:) that Mr. Mitchell, the American agent at Halifax, had applied in vain to have these men examined, or some evidence adduced respecting them; and that the papers transmitted to me by lieutenant Miller were in contradiction to one delivered to Mr. Mitchell. That being called "re-

turn of soldiers taken in arms in Upper Canada, belonging to the United States' army, who have delivered themselves up as British deserters." Whereas, in the list sent *me*, that description was abandoned and the prisoners were called, in part at least, deserters.

It would ill comport with your private character as as a citizen of the United States, or in your official capacity, to admit a fact unsolicited by his majesty, and which would manifestly tend to the injury of individuals serving in the American army. Whether these men are native subjects of his majesty, and whether they are deserters from British regiments, are facts to be instituted by the proper tribunals ascertained in Great Britain. The men will have a fair trial, and unless the facts are fully proved, they will be acquitted and placed with the American prisoners. I agree with you, sir, that very satisfactory information is due, in the cases referred to in the extract of your letter, from one nation to another; and I should imagine that the official returns of his majesty's officers, would, in the first instance, prove satisfactory so far as to induce your government to consider there was sufficient cause for sending the 59 prisoners to England for trial. I cannot believe Mr. Mitchell has been refused any reasonable request for satisfactory information respecting the 59 men; at the same time permit me to add, that if such is the fact, it precisely accords with the treatment I received on my application respecting Dennis and Morrison, seamen belonging to his majesty's ship Victorious, claimed by the French agent, respecting whom, in my letter to you of the 11th of June, I made a reasonable and respectful request, which was neither attended to or granted; on the contrary, these men were either delivered to the French

agent or liberated, without affording me an opportunity of proving they were not Frenchmen, by their own confession, in opposition to the depositions on which I take it for granted their release was founded.

It is not difficult to explain what appears to you contradictory, from the caption of the papers respectively sent by lieutenant Miller to Mr. Mitchell and myself.

The first from the description you give me, and which, from being marked with inverted commas, appears a quotation from the documents sent from Mr. Miller, is styled "a return of soldiers taken in arms in Upper Canada, belonging to the United States' army, who have delivered themselves up as British deserters." The second, to wit, the documents sent by lieutenant Miller to me, and of which I transmitted you a just copy, is styled "a list of American prisoners of war received into the custody of lieutenant Miller, and sent to England on board Melpomene." On the top of this was written in lieutenant Miller's own hand, by way of memorandum "sent to England, supposed to be British subjects." The list sent to me by lieutenant Miller was an ordinary list to account for alterations since his last return of prisoners, and not to designate the cause of these men being sent. He was therefore under no obligation to be particular in describing the cause; indeed it would have been incorrect in him to have stated the particulars in a common monthly list, intended merely to account for alterations during the month. Lieutenant Miller, however, in his official return to me of the 30th of September, heads that part of his list of American prisoners, "Lists of British subjects found in arms in Upper Canada and delivered themselves up and sent to England." A copy of this part of his return I

have the honor to enclose, which at once reconciles all the contradiction you originally supposed; and you will perceive that these British subjects are not "called in part," but each of them specified as belonging to a particular regiment. I confess, however, I am not fully satisfied whether the figures and words 14th regiment, 6th regiment, 1st light infantry, 14th foot, and 1st, are intended as descriptive of the American regiments to which they belonged at the time they were made prisoners, or the British regiment from which it is said they originally deserted. On this point lieutenant Miller informs me it is not in his power to afford any information; I shall therefore request an explanation from his excellency lieutenant general sir George Prevost, and on receiving his answer communicate it to you.

With respect to the 101 seamen sent to England in his majesty's ship Regulus, what I originally stated to you, to wit: that three of them were considered British subjects, 15 had been twice taken in arms prior to their exchange, and the other remaining eighty-three sent home under the character of American prisoners of war, without any allegation against them, appears to be correct. The motives for sending these 83 seamen to Great Britain are fully stated to me in lieutenant Miller's letter of the 24th of November, an extract of which is enclosed in my letter of this date. The cause therein stated I confidently hope will be satisfactory to you, especially as the health, comfort, and convenience of the prisoners are the primary objects. To the same causes, I beg leave to add, you are to attribute the subsequent transmission of American prisoners.

The preceding statement of facts I trust will prove satisfactory to you, with respect to ninety-

eight of the one hundred and one seamen sent to England, and induce your government to order the release of a similar number of British maritime prisoners, now confined under retaliatory orders, for them. As to the 59 soldiers and three seamen, American prisoners, sent to Great Britain as subjects of his majesty, and the corresponding number of British soldiers and seamen, held in close confinement for them, I shall make no other remark than this, that the measures the American government may think proper to adopt, will never prevent his majesty's exercising a right acknowledged by all civilized nations, with the exception of these states.

I have the honor to be, sir,
Your obedient servant.
(Signed) THOMAS BARCLAY.

General Mason, &c. &c. &c.

Harlem, December 15, 1813.

Sir,

From my letters to you of the 9th current, with the documents which accompanied them, you will perceive that the sixteen persons originally represented by Mr. Mitchell as having been confined in very improper places in the jail at Halifax, have in consequence (much to their regret, as Mr. Mitchell himself states) been restored to their original place of confinement with the ordinary American prisoners. You will also notice that eighty-three, out of the one hundred and one seamen now on their way to England in his majesty's ship Regulus, were sent thither from motives of humanity and accommodation, equally applicable to themselves and those who remained in Halifax after their departure. The fifteen

others, of the one hundred and one seamen so sent, come equally under this description. I allude to those twice taken in arms prior to being exchanged; although they may not be so readily exchanged as ordinary prisoners, still they will be placed with and receive the same treatment. There remains, in my opinion, therefore, out of the one hundred and one men, but three on whom, with any plea for improper treatment, the retaliatory system can be exercised.

I beg leave to request you will be pleased to inform me, whether you have, in consequence of my above mentioned letters to you, directed the release of the sixteen British prisoners put in dungeons, &c &c.; and, also, whether you have restored to their former situation ninety-eight of the one hundred and one British seamen placed into strict confinement, under the impression that the same number of Americans sent to England were claimed as British subjects, and sent there for trial; and if you have not already ordered their release from strict confinement, whether you intend doing it? This is a subject which does not admit of delay; I am, therefore, under the necessity of requesting a speedy answer.

I have the honor to be, sir,
Your obedient servant,
(Signed) THOS. BARCLAY.

General Mason, &c. &c. &c.

Office of commissary general of prisoners,
Washington, December 22, 1813.

Sir,

Colonel Barclay having given me assurances that the ten petty officers and seamen of the Chesapeake have been taken from the dungeons or cells in which they were confined at Halifax, and

placed in close confinement in a situation more conformable to that used for prisoners generally, you will be pleased, on the receipt of this letter, to remove the ten petty officers and seamen, British prisoners, you had confined in retaliation for them, from their dungeons or cells, and to place them elsewhere in close confinement in the same manner as done toward British prisoners before held in retaliation, where the place of confinement was used to hold safe, and not to inflict further severity. I have the honor to be, sir,

Your obedient servant,

(Signed) J. MASON.

James Prince, esq. marshal of Massachusetts.

Extract of a letter from the commissary general of prisoners to colonel Barclay, dated December 22, 1813.

"You will recollect, sir, that I apprized you, that at some short date after Mr. Mitchell's communication to me of the 3d of September, he informed me, that the six officers of privateers had been removed to an upper room, and that I had, immediately on receiving this information, directed the six British officers of privateers, confined in retaliation, to be placed in a similar situation. On your information that the ten petty officers and seamen have been now withdrawn from their former place of confinement, I have directed the marshal of Massachusetts, in the same way, to ameliorate the condition of the ten persons confined in retaliation for them."

Extract of a letter from the commissary general of prisoners to col. Thomas Barclay, dated December 22, 1813.

"I have received your letter of the 9th instant, relative to the manner of confinement of our six-

teen maritime officers and seamen at Halifax, respecting which I had the honor to address you on the 22d September last, and the three letters from Halifax then transmitted in explanation. After an attentive perusal of these, and a reference to the communications of Mr. Mitchell, our agent at that place, in which I founded my facts, I find the whole results in this: that he calls the places of their confinement dungeons; your informants call them cells, being two-thirds under ground; and that they state, that the floor of each dungeon, or cell, was larger by two feet one way, and by eight inches the other, than he made them; and as to light and air, they insist that the prisoners received more by seven inches in a two foot window, than he represented; and, moreover, that there was a hole in the door of nine inches square, which he omitted altogether to mention: as to the accommodation of passage room for the seamen, placing the officers in an upper room, and the permission to walk in the yard, &c you will please to remark, that your informants do not say that these indulgences were given on the first confinement, and that Mr. Mitchell wrote on the 5d of September, immediately after it took place; had you, sir, have attentively compared the circumstances, and have collated my remarks of the 22d of September, which you have been at the pains of returning to me in an extract, with the statements of your own officers, I cannot believe you would have seen any cause for approbating their measures, in the manner your letter seems to convey; admit the miserable surplusage of the few feet and inches on which they insist for the subterraneous floors and scanty apertures of these by two thirds under ground cells, into which in some five, and in others six of our unfortunate citizens were

thrust, and I do yet aver, that they were in the fullest sense of the terms 'noisome holes,' and 'dark and impure receptacles of wretchedness,' such as I am exceedingly glad to hear on your representation, our prisoners have been removed from; and such, as I hope your humanity will so interfere with the proper authorities of your government, as henceforward, to keep others from being consigned to.

"You will recollect, sir, that I apprized you, that at some short date after Mr. Mitchell's communication to me of the 3d of September, he informed me that the 6 officers of privateers had been removed to an upper room, and that I had, immediately on receiving this information, directed the 6 British officers of privateers confined in retaliation, to be placed in a similar situation. On your information, that the ten petty officers and seamen have been now withdrawn from their former place of confinement, I have directed the marshal of Massachusetts, in the same way, to ameliorate the condition of the ten persons confined in retaliation for them.

"I regretted to see, and I confess I do not comprehend the point of the sarcasm you, no doubt, intended to convey in the following passage of your letter: 'The prisoners, from Mr. Mitchell's account, appear to regret the 'dark and impure receptacles of wretchedness' they have left, which they prefer to the pleasant, healthy, and comfortable island on which they are now confined; for this exchange they are wholly indebted to Mr. Mitchell.' Poor, unfortunate men; it would seem that it was enough that they had to submit to debasement and suffering of the severest kind, without being made the subjects of taunting paragraphs in official communication. The only con-

solation I have, is the perfect conviction, that their country will not desert them, that it will follow their fate with a watchful eye, and that painful as it may be to humanity, measure for measure will be dealt out, let that fate be what it may."

Office of commissary general of prisoners,
Washington, December 30, 1813.

SIR,

I am now to reply to your letters of the 9th and 15th of this month, respecting the fifty-nine American soldiers, and the one hundred and one American seamen, prisoners of war, sent from Halifax to England in the latter part of last summer, on whose subject I remonstrated with you on the 22d of September, and relative to whom I took occasion to make some remarks in my letters of the 9th October and 23d November.

In your replies of the 30th November, you are pleased to speak of some of my expressions, in relation to the manner of treatment, and on returning the fifty-nine soldiers, as harsh; if my remarks were founded in truth, however they may have borne on your officers, I am persuaded you will, on duly considering the subject, receive them in the spirit in which they were intended, as designated to call directly to your attention, for the information of your government, in a case of such serious import, a disengenuous procedure, illy becoming the agents of your nation, toward these defenceless and passive captives. In your communication to me of the 9th instant, in which you transmit the third list received of these men, (all of the three emanating from lieutenant Miller, your agent for prisoners of war at Halifax, the first transmitted through our agent, Mr. Mitchell, on the 1st September, and the second by you on

the 1st October,) you represent it as reconciling the contradiction between the other two, which I had pointed out to you, and describe that first sent me by you, thus: "an ordinary list to account for alterations since his, lieutenant Miller's, last return of prisoners, and not to designate the cause of these men being sent; he was therefore under no obligation to be particular in describing the cause; indeed it would have been incorrect in him to have stated the particulars in a common monthly list, intended merely to account for alterations during the month." I send you, sir, copy of the first list given out by Mr. Miller to Mr. Mitchell, and copy of his letter of the 1st September, which enclosed it I pray you to compare this with the two furnished you, and by you sent me, you will immediately perceive that no contradiction is reconciled; indeed it is rather increased. In the list furnished you he goes back nearly to the ground first taken, in description of the men with Mr. Mitchell, namely: that they had given themselves up as British subjects; or, in other words, that fifty-nine men had all informed, each against himself, as to the crime, be that what it may, of which your officers had accused them, and for which as I learn from you, and of which they must have been apprized before they "gave themselves up," they are to be tried for their lives. In the 2d (the first sent you) this ground is abandoned, and he takes a new one, not as to part of the men, as I was impressed when I first had occasion to animadvert on it to you, but as I find on a stricter examination, as *to every man*, that they are deserters from the British service, and so plainly is this designated, that in the return he heads a column, "name of the British regiment to which they belonged," and in this column is insert-

ed against each man's name, the number of a regiment, as 1st, 5th, 6th, and 14th, and you will find, sir, on recurring to your letter of the 1st October, that taking this for authority, you remark to me, "you will perceive that the fifty-nine soldiers are deserters from his majesty's service, and the name of the regiment to which each of them belonged placed opposite their names." I will certainly not undertake to determine what are the forms used for ordinary or extraordinary purposes, made to you, but I will say, that if the fact of desertion existed, in a return showing cause why the men implicated were sent for trial, it would hardly have been withdrawn, and if it did not exist, it should never have been charged. In your last letter on this subject, you inform me that you are doubtful whether the number of the regiment shown in the return then sent, which I find precisely the same, and as to the same men, was the number of the British or American regiment; I can resolve that doubt now. These are the American regiments, or parts of regiments, engaged on the 24th June at the Beaver Dams, the time and place which the first return sent by you (by far the most detailed and particular of the three) designates; the 14th, from which most of the men were drawn, was commanded by colonel Boerstler, made prisoner in that action, and lately returned on parole; and most of them are personally known to him.

Under the circumstances I have detailed, I must believe, sir, that you will see sufficient cause for the dissatisfaction of this government with any explanation given for the sending off these fifty-nine men, to be tried in England or elsewhere.

I am entirely at a loss to know what analogy you have been able to find between the case of the two Frenchmen taken last summer in British

service, and discharged in Richmond, and that of these fifty-nine American soldiers. In the case of the Frenchmen, their allegation was, that they were not, of right, prisoners of war, and they petitioned for their liberty. They were publicly examined and set at liberty. In the case of our soldiers, the question is not that of liberty, to which we have yielded, but of death, which you threaten.

I can confidently assure you, sir, that it will never be made cause of complaint against your government, that it set at liberty, at his own request, any prisoner taken in our service, whether he be a native or foreigner.

As it regards the *one hundred and one* American seamen sent to England in September last, you say that three were *supposed* to be British subjects, fifteen had been twice taken in arms, and eighty-three were sent, from the explanation given by lieutenant Miller to you in his letter of the 24th November, which you send, because some had endeavored to effect their escape; some had shown a mutinous disposition; other prisoners were expected from Quebec, by which means the prison would have been crowded; the weather was hot, and the small pox was prevalent; and that you confidently hope that these reasons will be satisfactory; the health, comfort, and convenience of the prisoners were the primary objects. Certainly these are primary objects, and it would give great satisfaction to this government if they could see them consulted by your officers: but how was the convenience and comfort of our prisoners consulted, when a certain number of them are sent off from Halifax, crowded on board ship, beyond sea, to a distance from the facility of exchange, to make room for another number, to be in like manner sent by general Prevost from Quebec, at

which place, as you have agreed with me, they should have remained to be exchanged on the land lines? And how was their health consulted as to the prevalence of the small pox, when vaccination presented so easy and simple a remedy, compared with the risk of carrying the variolous infection into a voyage, in a crowded prison-ship, across the ocean? When men are taken a second time in war, without exchange, it is a matter easily capable of proof, and unless proved ought not to be acted on; the proof, when had, should be exhibited; none such has (although you have informed me you have made inquiry) yet been exhibited. As to the fifteen men reported by your agent as so situated, whenever it is produced the corresponding number of your prisoners held for them, will be placed in the ordinary state of prisoners, until then they must be retained in the situation in which they now are. The eighty three British seamen held against the eighty-three American seamen sent to England from Halifax, against whom you inform there is no charge, will be returned to the ordinary state of non-paroled prisoners, but they will be withheld from exchange until the corresponding American seamen are exchanged or returned to the American station, from which they ought not to have been removed.

I have the honor to be, &c.

(Signed) J. MASON.

Col. Thomas Barclay, &c. &c. &c.

Harlem, December 27, 1813.

Sir,

I have the honor to enclose you copies of lists of American prisoners of war, sent from Halifax

to England in November last, by order of his excellency admiral sir John B. Warren, in his majesty's ships Nemesis, Diomede, and Diadem, in consequence of the prison at Halifax being sickly and crowded with prisoners.

I am, sir,

Your obedient humble servant,

(Signed) THOS. BARCLAY.

General Mason.

Note by the commissary general of prisoners.

The lists above mentioned give the names of
100 maritime prisoners, officers and seamen, and
50 military prisoners, officers and privates, *sent to England in the Nemesis;*
124 maritime prisoners, officers and seamen, and
77 military prisoners, officers and privates, *sent to England in the Diomede;* and
50 military prisoners, non-commissioned officers and privates, *sent to England in the Diadem.*

401 whole number.

Extract of a letter from colonel Thomas Barclay to the commissary general of prisoners, dated

"Harlem, December 31, 1813.

"SIR,

"Your letter of the 22d current, in answer to mine of the 9th, I have received. I really expected, when I enclosed you copies of the letters received from lieutenant Miller, and the copy of Mr. Mitchell's letter to him, you would have been convinced that Mr. Mitchell had too highly colored

his description of the rooms in which the sixteen prisoners were confined in the jail at Halifax. This, however, appears not to be the case; on the contrary, you retain the same opinion, and even consider an error on the part of that gentleman, of more than a fifth part of the area of the rooms too trifling to be noticed by you or me.

"You cannot be ignorant of the situation of Melville island, near Halifax, where prisoners of war are confined, or of the prison, prison-ship, and hospital there. It is admitted, by all who have visited them, to be equal to any similar establishments of the same extent in Europe. No complaint, I believe, has been made against it, or the treatment which the prisoners receive there. In this prison ten at least, and perhaps the whole of the sixteen prisoners were confined at the time they were removed to the town jail of Halifax; in which jail they remained several weeks, until they were again removed to their former confinement on Melville island, in consequence of Mr. Mitchell's representation to you, that the rooms in which they were confined in the jail at Halifax, were dungeons, dark and impure receptacles of wretchedness, where the prisoners were only permitted to receive the means of respiration and the light of heaven through an iron barred aperture. Lieutenant Miller has declared that this statement of Mr. Mitchell's is incorrect, and that the rooms in the jail in which the sixteen prisoners were placed, instead of being dark and impure, were good and comfortable, and in every respect befitting prisoners of war, and that the prisoners were satisfied with them, and with the treatment they received while in the jail. In proof of his assertion, I enclosed you not only a copy of Mr. Mitchell's letter to lieutenant Miller, in which he ac-

knowledges the men preferred the jail to Melville island, but, also, a letter from the sheriff of Halifax, in which he states, 'that the apartments allotted to them (the prisoners) were, in every respect, suitable, and sufficiently large and well ventilated, and every possible indulgence granted to them, consistent with their situation. That when they understood they were to return to Melville island, they expressed their sorrow at being removed, and acknowledged in my presence the indulgence which they had received from the jailer and his family.' Possessed of the testimony of the sheriff of Halifax, and of the acknowledgment of the prisoners, (under Mr. Mitchell's hand.) 'that their removal from Halifax jail to the prison on Melville island was not for the better,' I am at a loss to account for your adhering to Mr. Mitchell's original account of the rooms, and still more so for your expressing yourself in your letter of the 22d instant in the words following: 'I do yet aver, that they (the rooms) were, in the fullest sense of the terms, noisome holes, and dark and impure receptacles of wretchedness.'

'I wish to be informed on what evidence you found your opinion; not on what the prisoners say, for Mr. Mitchell himself has acknowledged in his letter to Mr. Miller, that they told him they preferred the jail to the prison-ship at Melville island; nor can you rest it on Mr. Mitchell's description; first, because it is proved to be incorrect as to dimensions, light, and air; and secondly, because he has acknowledged the prisoners regretted being removed from the jail. Will you, sir, say you oppose the dictum of Mr. Mitchell to the assurance of lieutenant Miller, the declaration of the sheriff of Halifax, and the concurrent voice of the sixteen prisoners? If not, pray acquaint me on

what authority it is that you speak with so much confidence? Do you recollect, that by your confirming Mr. Mitchell's description, you in express terms stultify the six officers and ten men who were confined in the jail, for none but fools or maniacs would prefer noisome holes, and dark and impure receptacles of wretchedness, to the prison-ship at Melville island, the dimensions and other particulars of which I sent you.

"The truth, sir, is, that both the prison-ship and the rooms allotted to the sixteen American prisoners in the jail at Halifax, were comfortable places of confinement, and the reason why the prisoners preferred the latter to the former, was this: At Melville island there were upwards of 1000 prisoners, consequently the keepers and other attendants had it not in their power to pay attention and civility to each individual; whereas in the jail there were only sixteen prisoners, to whom the jailer and his family showed every indulgence, as the prisoners acknowledged to the sheriff. If the rooms in the jail were as described by Mr. Mitchell, is it possible the prisoners would have regretted leaving them?

"You are under a mistake in supposing I intended any thing sarcastic, or in a taunting manner to jest with the feelings or situation of these prisoners. Give me leave to tell you, sir, that I am incapable of such an act, and that it ill comports with you even to insinuate it of me. I feel as much, and would go as far to serve these unfortunate men as you or any other gentleman. My remarks were pointed to Mr. Mitchell, and not to the prisoners; for it was my wish to use their testimony to prove the incorrectness of the character given by Mr. Mitchell of the rooms in

which they had been confined, and I assure you I approve of what they have done and said.

" In my letter of the 9th instant I remarked, and again repeat, that the prisoners are wholly indebted to Mr Mitchell for being removed contrary to their wishes from the jail in Halifax to the prison-ship at Melville island.

" When you communicated to me in September Mr. Mitchell's description of the dungeons, cells, or rooms, (it is of no moment what appellations are given to them, for names cannot change realities,) into which the sixteen prisoners were placed, I transmitted, without delay, a copy of your letter to the admiral at Halifax, and requested an explanation, and at the same time desired, if the facts were as represented by Mr. Mitchell, that an amelioration of the treatment towards the prisoners might take place. On the receipt of my letter the admiral, in order to remove even the shadow of complaint, directed that the sixteen prisoners should be returned to the prison-ship at Melville island. If Mr. Mitchell had not given you this horrid description of the places in the jail where those prisoners were confined, I take it for granted you would not have remonstrated to me against them; nor should I have written to the admiral on the subject; the prisoners, therefore, would have remained in the jail probably until they were exchanged or released on parole. This being the case, I am authorised to say Mr. Mitchell was the cause of their being removed, contrary to their wishes, from the jail on board the prison-ship.

As these men are now in their pristine situation as prisoners, I request you will be pleased to inform me, whether the sixteen British prisoners placed by your order in more than ordinary strict

confinement by the marshal of Massachusetts, by way of retaliation for the sixteen Americans, have been restored to their original situation as prisoners."

(Copy.) Office of commissary general of prisoners,
Washington, 15th January, 1814.

SIR,

I received in due course of mail your letter of the 27th December, and the lists enclosed, whereby I am informed that 401 of our prisoners, officers, non-commissioned officers, and privates of the army, and officers and crews of private armed vessels, have been sent to England from Halifax, on the plea of a crowded and sickly prison at Halifax. It appears to be in vain to remonstrate longer against measures which your officers seem determined to take, in relation to our prisoners, without regard to individual suffering, or to the convention between the two nations, as to stations of exchange. That a single prison might be crowded by the increase of prisoners at a station, and sickly in consequence of that crowding, is probable enough, but unless it was shown that the country in which that station is was sickly, there can be no pretension to humane motives for such a removal; other prison-houses or prison-ships should have been supplied. This, sir, as in the case of the last removal to England, is regarded as a measure replete with cruelty to the unfortunate prisoners concerned, and will, in due time, be met by a corresponding measure toward your prisoners in our possession.

I have the honor to be, &c.

(Signed) J. MASON.

Colonel Thomas Barclay, &c. &c. &c.

Extract of a letter from col. Thomas Barclay to the commissary general of prisoners, dated the 24th Jan. 1814.

"SIR,

"Your letter of the 15th January, in answer to mine of the 27th of December, I have had the honor to receive.

"I am inclined to believe you are under a mistake in supposing it to be an unjustifiable act to send American prisoners of war from Canada, Nova Scotia, or the West Indies, to England for safe keeping; and I am of opinion you will find that all persons acquainted with the laws of nations will agree, that the answer, 'that the prisoners sent to Great Britain for that purpose,' is conclusive, and ought to be satisfactory. When, in addition to these remarks, you are furnished with the additional reasons stated in port admiral Griffith's letter, a copy whereof is enclosed, that the prisoners were removed from Halifax to Great Britain in consequence of the prisons being crowded, and the men sickly, every objection to their removal I hope will cease. From your letter, it, however, appears, you consider that other, prison-houses and prison-ships should have been supplied.' This measure perhaps was not convenient; at all events it would be attended with an expense which the admiral probably considered he was not authorised to incur. In England there are ample prisons; and I have reason to believe, from lieutenant Miller's representations of the sufferings your prisoners have experienced in Nova Scotia from want of clothing, that they will, on their arrival in England, have reason to rejoice being under the care of Mr. Beasley, who will supply them with what is necessary.

"I am at a loss to comprehend what you intend by remarking, 'without regard to the convention

between the two nations as to stations for exchange,' because Liverpool or Falmouth in England, are as much stations for exchange as Quebec or Halifax."

Extract of a letter from rear admiral Griffith to colonel Thomas Barclay, dated on board the Centurion, Halifax, 19th December, 1813.

"By an order from the admiralty to sir John Warren, which he has left with me, he is directed not to allow any more American prisoners to be released till the balance in our favor should be considerably reduced, and the order is accompanied by a return of the exchanges made in England, where alone the balance in our favor amounted to upwards of one thousand.

"I would beg of you to inform me, as particularly as you can, respecting the mode of confinement and treatment of the British officers put into close confinement in the United States, that a similar measure of indulgence or severity may be exercised on the American officers confined here by way of retaliation. And I would take the liberty of suggesting to you the necessity of endeavoring to remove the impression of our having sent American prisoners to England on suspicion of their being British born subjects. The American government can have no right to assume this as a fact. As far as relates to prisoners sent from hence to England, we have never avowed or acknowledged any such motive, with the exception of those who have been particularly designated as such

"The crowded state of the prison at Melville island, where double the number of prisoners were confined to that it was ever intended to have held, the difficulty, if not impossibility, of find-

ing adequate security for them any where else, and the suspension of the exchange by the American government, were sufficient excuses (if it were necessary to offer any) for sending some of the prisoners to England. I shall, however, stop sending any more till I hear from you; but if the exchange is again interrupted we must thin off, by every opportunity, for there are a great many more, even now, in this place, than there ought to be."

Extract of a letter from lieutenant William Miller, British agent for prisoners of war at Halifax, to colonel Thomas Barclay, dated December 20th, 1813.

"In consequence of your letter by the Anaconston, that the government of the United States had put into close confinement 176 British prisoners of war, in various parts of the United States, in retaliation, I have been directed to confine the same number of American prisoners of war on board the Magnet prison ship; and on the receipt of your last despatches of the 24th November, to lieutenant general Sherbrooke, wherein you state that 46 British officers were also close confined, I was directed to arrest the whole of the American officers on parole, 72 in number, and confine them on board the Malabar transport lately returned from Quebec, by removing some of the soldiers to Melville island: I fitted up a large space from the mainmast, abaft, 30 feet long, 22 feet broad, and 7 feet high, for their temporary accommodation, and I was directed to complete (or double that number) to ninety two; but on reconsideration sir John Sherbrooke and rear admiral Griffith thought proper to alter the arrangement, and permit the maritime officers selected by Mr. Mitchell, to depart

in the Analostan in such numbers as made up the equivalent rank of 214.

" In the number confined on board the Magnet prison ship I have selected as follows: for the 21 seamen of the Dominica, confined at Charleston, I have taken 21 men belonging to the United States' gun vessel No. 121, and for the 7 seamen of the Tenedos, and 8 of the Boxer, I have confined 15 of the Chesapeake: it will be very necessary if I could be furnished with the names of the British officers and seamen confined in retaliation, that I might make a regular entry of them. (I have received the lists of the 101 and the 16 confined.) I have liberated the seamen of the Chesapeake, as per abstract, for the 2 seamen of the Dragon. You will be pleased to observe I sent 4 of those 16 confined in retaliation, to *England* on the 19th ultimo, as per abstract, which reduces the number in my custody to 8, although I still consider them on my list; and in consequence of the ill state of health of *James Trask*, late sailing master of the Revenge privateer, I have sent him in the Analostan, but shall confine another in lieu, which leaves Thomas Swain, of *Wiley Reynard*, and 2 warrant officers, and 4 seamen of the Chesapeake."

Extract of a letter from the commissary general of prisoners to colonel Thomas Barclay, dated Jan. 31, 1814.

" Sir,

" On recurring to your letter of the 31st December, in reply to mine of the 22d of the same month, unwilling as I am to spin out discussions of an irritable character, I find it necessary to make some remarks on it.

" As I have had, in other instances, occasion to do, I must now again express my regret, that you do

not consider with more attention the papers in the case, than it does seem you are accustomed to do, previous to entering on a discussion of their merits: had you, with more care, examined the letters and statements bearing on this case, you might have saved some trouble to you and myself, and probably have spared the necessity you appear to have imposed on yourself, of conducting your argument in terms little fitted to conviction.

" Most certainly while Mr. Mitchell, our agent for prisoners at Halifax, continues to be thought by this government worthy of remaining in the office which it has conferred on him, I shall consider all that comes from him as well worthy of faith as any thing which may be stated by your agent, for prisoners; and I shall, in justice to him and to the government, repel any attempt, from whatever quarter it may come, unaccompanied by proofs, to lessen his credibility. If, however, you had attended to my communication of the 22d December, you would have seen that I by no means proceeded on his statement alone—that I had carefully collated that with the declaration of your agents, and shown the result. I took, finally, the description of the places of confinement, for our sixteen unfortunate prisoners, given by your agents themselves, and indisposed to graduate human misery as it were by a scale, and revolting at the idea of looking for comfort in such incarceration, did then say as I now say, that an allotment of subterraneous floor, 11 *feet one way*, by 7 feet 8 inches the other,—height, from floor to ceiling, (two thirds of which underground) 7 *feet* 4 *inches*,—windows, or places for admission of light and air, *two*, one 9 inches square, the other 24 by 17 inches, is in the fullest sense of the term, 'a noisome hole, and a dark and impure recepta-

cle of wretchedness,'—in which sentiment I am abundantly confident, I shall be joined by the whole civilized world, with exceptions too few in any degree to impair its correctness; and these are the precise dimensions and descriptions given by lieutenant Miller, and the sheriff of Halifax, and your private friend, of the cells or dungeons into which were put, and kept for some days, sixteen American citizens, officers and seamen, maritime prisoners of war;—six in one, and five in each of the two others.

" It is distinctly to be remembered, that it was of this period, and of this manner of confinement, of which Mr. Mitchell first reported and complained; and respecting which, I immediately remonstrated with you. It is, therefore, vain to confound, by description of passages and yards to which these prisoners might afterwards have had access, what first existed in relation to them, with what took place when their situation was in some degree ameliorated. You are well aware, sir, that Mr. Mitchell did report this amelioration, and that a corresponding relaxation toward those of your prisoners held in retaliation for them was immediately ordered—and that this amelioration was made some time before they were removed to Melville island. It was then with the *second* stage of confinement, that the situation of our sixteen prisoners, when carried to that island, is to be compared; which circumstance when taken into consideration with the facts stated then, and since, by yourself, that there they were crowded in with sixteen hundred of their unfortunate countrymen, will sufficiently explain their preference, if such they had, to the prison in Halifax —I was glad to hear from you, that in the passage to which I alluded, as presumed to have been intended to convey a sarcasm on this

preference attributed to our unfortunate prisoners, you did not mean to sport with their feelings;—difficult as it is to be understood in ordinary construction, I am willing to accept your explanation as to them;—and you will permit me to remark, sir, should have been quite as much disposed to do so, had it been given in terms more becoming the occasion."

Harlem, 6th February, 1814.

SIR,

I have by this day's post had the honor to receive your letter of the 31st of January. I have attentively examined my letter to you of the 31st of December, and cannot discover any thing in it improper or necessary to be corrected. I regret you consider it "little fitted to conviction;" perhaps were your letter and mine on the subject submitted to impartial persons, they would differ in opinion with you.

I shall not travel the ground already gone over in my reply to your letter of the 22d of December, because mine of the 31st of that month, is as full an answer to your letter of the 31st of January, as it was to that of the 22d of December.—I request, therefore, you will be pleased to receive it as such; and that you will give it the construction which the arguments and expressions merit.

I have the honor to be, sir,

Your obt. servt.

(Signed) THOMAS BARCLAY.

General Mason, &c. &c. &c.

G

Extract of a letter from the honorable Ebenezer Sage, dated Sag Harbor, Long island, 28th September, 1813, to the commissary general of prisoners.

"As it may be within the province of your official duties, I will trouble you with the following case: A few weeks since, a barge and nine men from the British squadron, (which lies in Gardner's bay, within sight of this port,) came on shore in the night, a short distance from *this*, and took from his bed, a Joshua Penny, and without permitting him to put on his hat or clothing, carried him on board the Ramilies, where he was put in irons and on short allowance, and in that condition sent off in the ship to Halifax, or elsewhere. You have probably seen, in the newspapers, the correspondence between the commanding officer of this port and Hardy, in which the former, the next day after the capture, demanded him as a non-combatant, and the latter refused to restore him, upon the plea, that he had acted as a pilot to commodore Decatur's barges, and the torpedo boat, and was on the books of Decatur's frigate, at $ 40 per month. That he acted as pilot in both the above cases is true, but the last charge is not true; he was hired as a pilot, and is on the books of no ship, or attached to any public service. The British commodore further declares in his communication, that he holds him as a spy, in consequence of his being on board his ship at a certain time to sell clams; if this act makes him punishable as a spy, the commodore must be surrounded with spies every day, from Connecticut and elsewhere, with beef, breadstuff, onions, fruit, and eatables of all kinds, as we know his fleet is continually surrounded with traders. The question,—can this

man be held as a prisoner of war, and held in irons? Is it not a case demanding the lex talionis?

"Penny is a poor, but industrious man, with a large family; a good seaman and pilot, and of a bold and daring spirit; has faced danger, and endured much hardship in almost every quarter of the world. It is a fact, that an American, who was on board the ship as a trader, put on the uniform of a lieutenant, and accompanied a crew to point out to them the place of Penny's abode, the day preceding the night in which he was taken. This we learn from some prisoners who have since been liberated, and from whom we also learn the circumstance of his confinement in irons, &c."

Extract of a letter from commodore Stephen Decatur to the secretary of the navy, dated

"U. S. ship United States, near

"New London, 6th Oct. 1813.

"SIR,

"I have the honor to acknowledge the receipt of your letter of the 30th ultimo.

"I saw sir Thomas Hardy's statement relating to Penny, in the newspapers, and had from the collector of Sag Harbor many of the particulars of his capture and subsequent treatment, who informed me that he should communicate the same facts to the government, and for that reason I omitted doing it myself, as unnecessary.

"Penny was never entered on the books of this ship in any capacity; nor ever employed by me but for the purpose of piloting our boats in the expedition to Gardner's island; and then he acted merely as a pilot; went, and continued during the expedition, unarmed, and received for his compensation, the ordinary pilotage."

Office of commissary general of prisoners,
Washington, November 1, 1813.

SIR,

I am commanded by the president to direct, that you will, with as little delay as possible after the reception of this order, place in close confinement, such as will preclude the possibility of escape, William Mayton, a British subject, and prisoner of war, late master's mate of the British ship of war Ramilies, and recently transferred, among other prisoners, to your custody by the marshal of Connecticut, there to be held as a hostage, to answer for the safety and proper treatment of Joshua Penny, a citizen of New York, lately seized at night in his bed, at his own house, near Sag Harbor, Long island, by a detachment from the British squadron in that quarter, carried on board, and yet held in rigid confinement by the enemy. It is not intended, for the present at least, that the unfortunate person so confined, shall be barred from such decent accommodation and comfortable subsistence, as his situation may admit of, and you are requested to inform him fully of the cause by which this measure has been made necessary.

I have the honor to be, sir,
Your most obedient servant,
(Signed) J. MASON.

Ebenezer K. Dexter, esq. marshal of Rhode island.

II

Extract of a letter from R. Swanton to the secretary of state, dated

"New York, November 8, 1813.

"SIR,

"I am informed by letters written in Halifax, in July, August, and September last, that my bro-

ther, John Swanton, lately serving in the capacity of captain of marines, on board the private armed schooner Globe of Baltimore, (captain Moon, commander,) was captured on the 29th May, in the brig Endeavor, prize to the Globe. And Mr. Mitchell, agent for prisoners of war, in his letter of the 4th September, says that my brother was then confined on board his Britannic majesty's ship Melpomene, and about to be sent in her to England, for the purpose of trial as a British subject.

"I therefore presume that he is now in England, and that he either has or will be proceeded against. I am informed that Mr. Mitchell has laid his case before the government, and my anxiety induces me to trouble you with this communication, and to request you to inform me whether any thing can be done for him."

On board H. M. S. Centurion, Halifax, July 11, 1813.

Dear Robert,

I have not, at this moment, time to enter more particularly into the occurrences that took place on board the Globe, than that the captain thought proper to send me a passenger to the United States in the brig Endeavor, captured by us off the Rock of Lisbon, on the 20th March last, and was recaptured off Cape Henry, 29th May, by H. M. S. Le Fantome, captain Lawrence, who detained me in particular, under pretence of being a British subject. He took me with him to Bermuda, where I underwent a formal examination, which was committed to paper as follows: Where were you born? Kilcat county, Kilkenny, Ireland. When did you leave it? In 1789. How old are you? 38 years. Have you lived 7 years in the United States of America? Yes, above three times

that, and am a citizen in right of my father, who lived and possessed property in America before the revolution. Have you a vote? Yes, and voted for Mr. Madison in opposition to Mr. Clinton. Are you a married man? Yes, and have five children. This is, as well as I can recollect, the substance of the examination. I was conveyed from that island to this port, and write to you in irons, nor do I know by what means I could inform you of my situation, had it not been for the kindness of the commander of this ship, who permits me to write to Mr. Mitchell, agent for prisoners of war. I therefore request you to act immediately as the law directs in such cases, and write me an answer, sending me same time $ 200. Remember me to our relations and friends in New York, and inform my wife in Pennsylvania, to whom it will be a sad stroke.

I impatiently wait your answer, and remain

Your loving brother,

(Signed) J. SWANTON.

Office of commissary general of prisoners,
Washington, December 17, 1813.

Sir,

I am commanded by the president to direct, that you will, with as little delay as possible after the reception of this order, place in close confinement, such as will preclude the possibility of escape, William Lincoln, a British subject, and prisoner of war, late mate of the merchant brig Fly, there to be held as a hostage, to answer for the safety of John Swanton, late a captain of marines on board the privateer Globe of Baltimore, who has been unjustifiably confined by the British government, at Halifax, and sent from thence to England for trial.

It is not intended, for the present at least, that the unfortunate person so confined, shall be barred from such decent accommodation as his situation may admit of; and you are requested to inform him fully of the cause by which this measure has been made necessary.

I have the honor to be, sir,
Your obedient servant,
(Signed) J. MASON.

Ebenezer K. Dexter, esq. marshal of Rhode Island.

Office of commissary general of prisoners,
Washington, January 2, 1814.

SIR,

I enclose you a letter from Mr. R. Swanton of New-York, a very respectable citizen, to his brother Mr. John Swanton, late a captain of marines, on board the private armed schooner Globe of Baltimore, captain Moon, captured in a prize of that vessel, and sent into Halifax, and thence in close confinement on board one of the British ships of war, in the month of September last, to England for trial on pretext of being a British subject.

It is desirable to afford the friends of persons thus unfortunately situated, every means of communicating with them as far as may depend on the public agents, you will therefore be pleased to endeavor to find out the place of confinement of Mr. Swanton, and convey to him the letter intended for him, and the pecuniary relief afforded by his brother, with any other you may be able to give him.

An officer of a British merchant ship, corresponding with him in rank, has been confined here, to answer, in his person, for his safety and proper

treatment. I am informed by Mr. Swanton's family, and have no doubt of the facts, that altho' born in Ireland, he came here very young, and is a citizen of the United States in the right of his father, who came to this country before the peace of 1783, and has habitually resided here since, until his death a few years ago.

I have the honor to be, sir,
Your most obedient servant.
(Signed) J. MASON.

Reuben G. Beasley, esq.
U. S. agent for prisoners, London.

I

Extract of a letter from commodore Isaac Chauncey to the secretary of the navy, dated Sackett's Harbor, on board U. S. ship General Pike, Oct. 12, 1813.

"On the 24th of August last, I wrote to commodore sir James L. Yeo, respecting the detention of Thomas Goldsmith, late a seaman belonging to the Julia, and detained by commodore Yeo for trial as a British subject. I have this day received his answer to that communication, copies of both letters I have the honor to enclose.

"I shall wait your instructions, as to what further measures are to be adopted in regard to Goldsmith."

U. S. ship General Pike,
Sackett's Harbor, Aug. 24, 1813.

SIR,

The fortune of war having placed the crews of the Growler and Julia (two small schooners belonging to my squadron) in your power, and having understood that Thomas Goldsmith, ordinary seaman, belonging to the late U. S. schooner

Scourge, and captured in the Julia, has been detained for trial by your order, as a British subject, I will thank you to inform me upon what grounds Goldsmith has been detained, and whether it is your determination to try him in the province, or send him to England.

I have the honor to be,
Very respectfully, sir,
Your obedient servant,

(Signed) ISAAC CHAUNCEY.

Commodore sir James Lucas Yeo, Kt.
commanding his Britannic majesty's naval forces on Lake Ontario,
&c. &c. &c. Kingston.

Extract of a letter from commodore sir James L. Yeo to commodore Isaac Chauncey, dated on board the "Wolfe, at Kingston, Oct. 11, 1813.

"SIR,

"I have had the honor to receive your letter of the 24th of August on my arrival at this port, requesting I would inform you upon what grounds Goldsmith has been detained.

"In answer to which, I have to acquaint you, that the man himself acknowledges his being by birth and parentage a subject of Great Britain; but as to whether he will be tried for serving under the flag of his country's foes in this place, or in England, I cannot inform you."

Extract of a letter from the commissary general of prisoners to James Prince, esq. marshal of Massachusetts, dated the 18th of December, 1813.

"SIR,

"I am commanded by the president to instruct you to place immediately in close confine-

ment, one of the British seamen in your custody, captured on Lake Ontario, to be held as a hostage to answer for the proper treatment and safety of Thomas Goldsmith, late a seaman belonging to the United States' schooner Julia, unjustifiably detained for trial, as a British subject, by order of commodore sir James Yeo.

"You will inform the person so designated, of the cause of this measure, and make his treatment the same as that recommended to you heretofore, in similar cases."

K

Extract of a letter from Thomas Steele, esq. deputy marshal of Ohio, dated Chilicothe, September 18, 1813, to the commissary general of prisoners.

"I made a return of one (prisoner) which was put into my custody on the 9th of May last, of the name of Thomas Alexander Clark, who was taken at the rapids of the Miami of the lake. I was instructed by colonel Campbell that he, the said Clark, was to be kept in close confinement as a hostage for a certain captain Knaggs of Detroit, which has been done in the jail of the county: the common jail fees are twenty-five cents per day. I have furnished him the necessary clothing."

(Copy.)

To colonel Gardner,

SIR,

Agreeably to my proposition of last evening, I shall give you a statement of facts which is the cause of my confinement, and then leave it for your honor to decide, viz.: I was assistant super-

intendent of Indian affairs and captain of a militia company in Detroit, Michigan territory, and was surrendered by general Hull at the capitulation of Detroit, and guaranteed, agreeably to a proclamation issued by general Brock, both in person and property. Shortly after such proclamation, the savages, who, to glut their thirst for blood, hunted me day and night for the purpose of assassinating me if they should find me, finding their searches fruitless, they repaired to my dwelling, and robbed me of about twelve thousand dollars in specie and effects. After this had taken place, I was advised, by persons of respectability living on both sides of the river, to leave the country a short time, until the anger of the savages should be assuaged, both for my personal safety, and the safety of my wife and children. Agreeable to their advice, I obtained a permit from colonel Proctor to depart; myself and several others chartered a vessel for that purpose, and moved to Presqu'isle, and after that I pursued my route to the states to settle my business, and returned to Pittsburg, and from there was making the best of my way to Detroit to find my family, who were daily exposed to the insults and dangers of the Indians. After I left Pittsburg, I arrived at the Miami rapids. I there, unexpectedly, fell in with a part of general Winchester's army, the other part had advanced to Frenchtown. I continued on from Miami rapids to Frenchtown, where I had a brother living, and put up with him, anxious to reach my family before the army arrived, lest the Indians might suspect I was with it, and massacre my family for retaliation; however, the next day an engagement took place between general Winchester and colonel Proctor's forces, about two miles from where I was, in which the former had to retreat, and

passed by where I was. The Indians finding me at that place, took me and carried me to colonel Proctor, who said I had broken my parole, and ordered me immediately forwarded to fort George, without any examination. I remained a few days at fort George, where I obtained a certificate from general Winchester, showing that I had nothing to do with the army: I was then forwarded to Montreal, and then examined before the police, and committed as prisoner of war: shortly after that, I had assurances of being sent home as soon as the roads would admit, but instead of that I was forwarded to this place, and confined as a prisoner having broken his parole, which I am now ready to show by general Winchester and his officers, that I was no way concerned with the movements of general Winchester's army, directly or indirectly. An investigation of this affair would be highly gratifying to your obedient servant.

WHITMORE KNAGGS.

Quebec, October 7, 1813.

Original drawn by general Winchester.

R. G.

Extract of a letter from col. Barclay to the commissary general of prisoners, dated at Harlem, Jan. 8, 1814.

"I enclose you an extract of a letter from captain Chambers, of the 41st regiment, dated Chilicothe, 27th November, 1813, and beg you will be pleased to give the necessary orders, that Mr. Thomas A. Clark, Indian interpreter, with the rank of a subaltern in the British service, now a prisoner in the jail at Chilicothe, either receives the three shillings sterling per day, the allowance for officers, or is supplied with such food as comports with his rank as an officer."

Extract of a letter from the commissary general of prisoners to col Thomas Barclay, dated the 22d Jan. 1814.

"Mr. Thomas A. Clark whom you mention, is confined at Chillicothe, in retaliation for a Mr. Whitmore Knaggs, an American citizen, confined in jail in Quebec, where colonel Gardner saw him in his jail on common prisoner's fare, on the 15th October. Mr. Knaggs is a man of property and respectability, he was an inhabitant of, and captain of the local militia at Detroit; was included in the capitulation of that place, and promised protection in person and property; the Indians were, however, permitted to plunder his house of money and effects to a large amount, and constantly threatened to assassinate him; under these circumstances he obtained permission from general Proctor to go within our lines, which he did, in a vessel, with others, to Pennsylvania, leaving his family. After some months he was returning to his family at Detroit, when he was seized by the Indians and carried to general Proctor, who confined him on suspicion of belonging to general Winchester's army, who were engaged about the time, and near the place Mr. Knaggs was met, on his way to Detroit. He was first sent to fort George, where he obtained a certificate from general Winchester that he was in no way attached to his army. Mr. Knaggs is kept in the common jail, and, as I understand, on ordinary prisoners' rations. I wrote directly that Mr. Clark be treated in the same way, but that his subsistence be abundant and of the better kind, and his situation shall be ameliorated the moment you will inform me, from an authentic source, that Mr Knaggs' has been; in other words, it is intended that he shall receive, in every thing, the treatment Mr. Knaggs receives, and I shall be exceedingly glad, that on a change

in this, I may be enabled to make that of Mr. Clark entirely comfortable."

L

New York, November 24th, 1812.

SIR,

I have the honor to inform you of my arrival here today, with the surviving officers and crew of the Wasp, excepting the boatswain, boatswain's mate, eight men, and two boys, who were detained as British subjects, and are now confined on board the prison ship at Bermuda.

Mr. M'Leod has been eight or ten years in our service, has a boatswain's warrant, married in Virginia, and has there a wife and children. I do not know where those men may have been born, but the most, if not all, have protections; and from their having detained two others, who Mr. Rodgers and myself knew to be native citizens, who were afterwards dismissed upon my observing that I knew them to be such, I think it probable that many of the others are natives of the United States.

(Signed) JA. JONES.

Honorable Paul Hamilton.

His majesty's ship Poictiers, 15th Feb. 1813.

SIR.

In reply to the letter I had the honor to receive from you yesterday, I have the honor to inform you that the men I thought it my duty to detain, until your pleasure was known, are, in my opinion, British subjects. The boatswain, Mr.

M'Leod, told me he was born in Scotland, but that having taken the American oath of allegiance, and being married in Philadelphia, he considered himself an American subject; the other men, in my opinion, are English, Scotch, or Irish I told the officers of the Wasp my suspicions, and that consequently it was my intention to detain them, but that if the captain or any other officer could identify any of them as Americans, I would instantly send them on board the cartel that was then going to New York, with the officers and crew of the Wasp.

This they were unable to do, and I therefore sent them on board the Ruby, to await your pleasure, being perfectly convinced, within my own breast, that they were British subjects, although I am certainly without documents to prove the fact.

I have the honor to be, &c.

(Signed) J. P. BERRESFORD.

The right hon. sir J. B. Warren, K. B.
admiral, &c. &c. &c.

Macedonian, New London, September 15, 1813.

SIR,

The enclosed is from one of the 12 of the crew of the Wasp, who were detained after her capture by captain Berresford, on the supposition of their being British subjects.

The case of Mr. M'Leod, the boatswain, is peculiarly hard. He was in the service during the war with Tripoli, and has continued so ever since. He has been for several years married to a discreet woman in Virginia, the daughter of a person living about nine miles from Norfolk, and has, or had

when he left home, two or three children. The persons detained were

Mr. M'Leod,* boatswain.	Dennis Dougherty, marine.
J. Stephens, boatswain's mate.	Wm. Mitchell.
George M. D. Read.	Peter Barrow.
Thomas Phillips.	John Brooks, boy.
Jon. Rose, a boy.	

Respectfully yours.

(Signed) J. JONES.

Hon. William Jones, secretary of the navy.

Melville prison, Halifax, August 16, 1813.

SIR,

We take the liberty of writing to you, to inform you that on the 18th June we were sent out of the Goree prison ship, at Bermuda, on board the Dragon 74, for Halifax, where we arrived after a favorable passage of 10 days, and we are sorry to inform you that we are almost naked for want of clothes, having nothing except one shirt and trowsers, and as there is no more prospect of getting clear than there was when we were first taken prisoners, and we humbly entreat you that you will send us some relief, as we have applied several times to Mr. Mitchell for some clothes, and we cannot get any, so without you relieve us we shall perish for want of clothes here in winter, as it is very severe.

We remain your most
Obedient and humble servants.

(Signed) JAMES GOULTHRITE.

Captain Jones, United States' frigate
Macedonian, New London.

P. S. We are sorry to inform you that three died at Bermuda, viz.: Peter Barnes, John Rose, and John Stephens.

* The writer of the enclosed, alias John Goldthwait.

Extract of a letter from the commissary general of prisoners to colonel Thomas Barclay, dated the 23d Nov. 1813.

"But, sir, these are not the only cases in which it is plainly shown how the conduct of your officers in seizing and separating our captured men from the ordinary state of prisoners, and subjecting them to long and painful confinement, has stood self condemned on their own assumed ground. I will instance, among many that might be cited, the cases of five at least of the six men of the crew of the Nautilus, the six men of the crew of the privateer Sarah Ann, thus taken, long held, and finally discharged; and the twelve men of the crew of the Wasp, taken and held in like manner, three of whom have fallen a sacrifice to, and during severe confinement, and the remaining nine, as you have informed me, are at length restored to the ordinary state of prisoners in Halifax, for exchange. In this last instance I refer you, sir, to the letter from commodore Berresford to admiral Warren, of which I furnished you a copy, and in which he states, explicitly, that he had designated and detained them merely on suspicion, and because our officers could not, of their own knowledge, declare that they were native born Americans."

Extract of a letter from colonel Thos. Barclay to the commissary general of prisoners, dated September 7, 1813.

"His majesty's schooner Dominica, lately captured by an American privateer after a sanguinary conflict, has been carried into Charleston, South Carolina. At the time the letter to me announcing her arrival, was written, the marshal had not admitted the officers, midshipmen, and master's mates, &c. &c. to their parole. I am also in-

formed there are some masters of British armed vessels detained on board the prison-ship. to whom the indulgence of parole has been refused.

" Whether this is correct, I do not take upon me to say; but you will do me a favor by ordering the marshal at Charleston to extend the indulgence of paroles to such characters as you think proper, and acquaint me with the extent to which you limit him.

" I beg leave, also, to request you will send the necessary orders to the marshal to furnish the British prisoners with comfortable bedding, and the necessary utensils for cooking, &c. &c. &c as the men of the Dominica were stripped of every thing by the crew of the American privateer, who, in every other instance, I am informed, behaved with barbarity not practised by civilized nations. I do not mention this to you by way of complaint, because my government will take the necessary measures, if the information is correct, but to afford the American government an opportunity of investigating the facts and correcting future acts of barbarity which dishonor human nature. The crew of the American privateer, it is said, were principally blacks and men of color."

Extract of a letter from the commissary general of prisoners to colonel Thos. Barclay, dated October 5, 1813.

" I have written to the marshal of South Carolina on the subject of your letter of the 7th of September, and can assure you that every thing shall be done there that is requisite to make your prisoners comfortable. As to paroles at that depot, I have no particular information; I have required it, and it shall be, when received, communicated. The practice has been heretofore to pa-

role all midshipmen and commissioned officers of men of war, and all master's mates and lieutenants of private armed ships and merchantmen, which I am entirely disposed to continue, if the practice on your side will permit me to do so. I understand that your government paroles neither mates or lieutenants, or at most not lower than the first mate, and no master of a privateer under fourteen guns. I request early information from you on this subject, to enable me to determine on the course proper to be taken here.

"You state that you are informed, that the men of the late British schooner Dominica were stripped of every thing by the crew of the capturing American privateer, and in every instance treated with barbarity not practised by civilized nations, and which dishonor human nature. I regret to hear that any of our masters of privateers, who have heretofore been as remarkable for their generosity and kindness to prisoners when subdued, as they have been for their skill and bravery in battle, should be accused of such unpardonable acts. The facts shall be inquired into, and if they exist, as you suppose they do, you may be assured they will not pass unnoticed by a government whose constant effort has been to invite by example its enemy to conduct the war in all its branches in the most humane possible manner. Without, at this time, assenting to or denying the facts you suppose to exist, I will remind you, that it is said to be difficult to restrain the conquering crew on a vessel carried by boarding, from acts of cruelty and of pillage; and I trust the same laudable spirit which has excited your feelings on this occasion, will have caused you to inquire into the conduct of the crew of your frigate Shannon, (when the Chesapeake was carried in that way,) and, above

all, will have induced you to have become possessed of, and to have reported to the proper authorities, the facts attending the anglo-Indian warfare on the Canada lines; since, surely, if any excesses in this life can be most properly termed 'barbarities which dishonor human nature,' they must be those exhibited on the late occasions on the river Raisin, Brownstown, and elsewhere, when the Indians, in British pay, fighting by the side of British troops, and afterwards thanked in general orders by British officers, were permitted to murder by piece meal, to hack, to mangle, and to torture unto slow death, and to burn alive, American citizens, their prisoners; and, as if to fill the measure of savage enormity, to expose the bodies of these wretched sufferers to be devoured on the surface by every passing vermin.

"These things, sir, have been repeatedly done in the face of the world, and are not to be contradicted. It is to be hoped that you will afford the British government an opportunity of investigating the facts, and of correcting acts, to the description of which, in adequate terms, no language used by civilized man is equal."

Extract of a letter from the commissary general of prisoners to Morton A. Waring, esq. marshal of South Carolina, dated October 5, 1813.

"I send extracts of a late letter from colonel Barclay, and of my reply. Respecting paroles you will give me early information, and I request that you will make particular inquiry as to the conduct of the officers and crew of the Decatur, on the charge brought against them, from such sources as can be depended on, and give me the

most authentic information you can obtain; as also, a list of the crew when she returned into port; also, descriptive of the persons composing it, which may be readily had of the collector."

Extract of a letter from Morton A. Waring, marshal of South Carolina, to the commissary general of prisoners, dated Oct. 16, 1813.

"I hasten to reply, partially, to your letter of the 5th instant, which has this moment come to hand, accompanied by extracts, &c. therein referred to. Respecting paroles, they have never been, in any instance, denied to characters who were deemed worthy of them. I confess, in consequence of several breaches of paroles by captains of merchantmen, I felt (on the arrival of the Decatur) some hesitation in granting captain Sinclair, master of a merchantman, a parole; but as soon as I could receive the pledge of the British sub-agent here for his good conduct, I granted his parole. I have since paroled captain Sinclair to Liverpool, on the conditions prescribed by the cartel. The midshipmen taken in the Dominica were paroled as soon as possible, after their arrival here. Those officers who came under the character of non-combatants, were immediately released. Without orders from your department, I shall not, on any occasion, parole officers below the grade of captains of merchantmen, and shall be very circumspect towards them. Therefore, sir, all that extract of colonel Barclay's letter to you, which speaks of the refusal of paroles, is not founded on fact."

Extract of a letter from Morton A. Waring, marshal of South Carolina, to the commissary general of prisoners, dated October 26, 1813.

"A letter from Dr. Tidyman, a gentleman of respectable professional standing, who volunteered his services to the wounded on their arrival here, is enclosed.

"I have not been able to procure any certain information as to the characters of the persons who composed the crew of the Decatur; as near as I can come to the fact, she had about three-fourths white men on board.

"Those officers who were heard to speak of the treatment which they received from the privateersmen, after their surrender, having gone from this place, I have been obliged to resort to the certificate of such gentlemen as questioned them on this point; which certificate I have herewith forwarded to you."

Charleston, October 8, 1813.

DEAR SIR,

In compliance to your request, I hasten with cheerfulness to state to you my opinion of your conduct towards the British prisoners of war captured in the Dominica, by the Decatur; and it is with peculiar pleasure I can candidly say, that during the short time I attended the wounded, in company with Dr. Warring, I heard the prisoners express the most perfect satisfaction and gratitude at the humane treatment they received from yourself, and also from captain Pratt, acting under your instructions; and I must confess, that in every part of Europe which I have visited, I never saw better treatment shown towards prisoners of war than is now experienced by the British prisoners

on board of the prison-ship, under the immediate command of captain Pratt. To the best of my knowledge their diet is not only wholesome but very liberal. I have no hesitation further to state, that the officers of the Dominica, with captain Sinclair of the British merchant ship, (London Trader) did receive their paroles within a very few days after the arrival of the respective vessels in our harbor. Your conduct has been, to the best of my observation, such as to entitle you to the good opinion of your fellow-citizens. You have acted in the strict line of your duty, and consequently must merit the approbation of your government. I am extremely sorry to find that you have been unjustly charged with denying paroles to British officers, and keeping them in confinement on board of the prison-ship. The character of an informer is always obnoxious; but when he descends to falsehoods he then indeed ought to be treated as an outcast of society. With respect to your inquiry relative to what I know of the treatment which the British prisoners sustained on board of the Dominica and Decatur, I must beg leave to inform you that as my only object in seeing those unfortunate men was to discharge the duties of my profession towards them, I considered it, therefore, indelicate to submit questions which might unnecessarily give rise to any unpleasant feelings or conversation on a subject that was foreign to my purpose, and which I felt myself unauthorised to seek into. When they were delivered to captain Pratt they all appeared to be well clothed, and many brought with them their baggage. With respect to myself, I have done no more than was consistent with the duty

of a christian, and it is one I shall always feel gratified in discharging towards prisoners of any nation.

With sentiments of respect I beg you to believe me,

Your obedient servant,

(Signed) PHILIP TIDYMAN.

Morton Waring, esq. marshal, Charleston.

City of Charleston, Oct. 26, 1813.

We hereby certify, that on the day subsequent to the arrival of the American private armed schooner Decatur, captain Dominique D'Iron, with her prize, the British armed schooner Dominica, into this port, we, the undersigned, went on board the latter vessel, in company with several gentlemen, among others the honorable John Drayton, judge of the admiralty; and during our stay on board the said vessel we conversed with some of the prisoners, by whom we were explicitly informed that they had been treated by the captors "like brothers." 'T'was remarked by them that there was considerable carnage and bloodshed, naturally consequent to the confusion of boarding, but after possession of the prize had been taken by the captors, every kindness was afforded.

(Signed) JAMES JEWEY,
JOHN PRATT,
J. B. WHITE.

Office of commissary general of prisoners,
Washington, 27th August, 1813.

SIR,

I have the honor to transmit you copies of the following letters, from doctor Samuel M'Keehan,

surgeon's mate, 2d regiment of the Ohio militia, to major general Dearborn, of the 24th May last; two from the same person, one of the 6th May and one of the 9th May, to lieutenant Dudley; and one of the 12th of May from George H Rodgers, of the United States' army, to lieutenant Dudley.

You will perceive from the statement of doctor M'Keehan, if it is correct, and from the respectability of his character there is too much reason to believe it, that outrages have been committed on his person, not to be justified. I do not, however, in requiring an explanation, rest this matter on the statement of the suffering person only: lieutenant Dudley, of the United States' navy, was at Montreal during his confinement, as you will remark by the letters addressed to him. That gentleman furnished me himself with the originals of the two letters addressed to him by doctor M'Keehan, and of that from George H. Rodgers, and confirmed all that is stated by the doctor to have happened, after his, the lieutenant's, arrival at Montreal, and assured me that the doctor's treatment, previous to that time, was spoken of in Canada as a matter of notoriety, to be such as he has represented it

I request, sir, that you will be pleased to inquire into the facts, and the causes alleged for treatment so inhuman, to a man sent by the proper authority, under the sacred protection of a flag of truce, to administer kindly offices and medical aid to our wounded prisoners, and also into the facts of the severe confinement and cruel usage alleged to have been used toward the 14 American prisoners at Montreal, named by doctor M'Keehan

I shall refrain, sir, from pointing out what may be thought the proper atonement to be made on

the cases described, until your explanation is received.

I have the honor to be,
Sir, your obedient servant,
(Signed) J. MASON.

Colonel Thomas Barclay, &c. &c. &c.

Montreal prison, 6th May, 1813.

SIR,

I am an unfortunate American who was taken by the Indians on my way to Malden, with a flag of truce from general Harrison, on the night of the 31st of January, and after a variety of indignities, too tedious to mention, I was brought here and put into the dungeon for 33 days, and have been up on the centre floor a week. I wish to see you if possible, and have your advice, &c. &c.

In haste, yours, &c.
SAML. M'KEEHAN,
surgeon's mate 2d regt. 2d brigade, Ohio militia.

Lieut. Dudley.

Montreal prison, 9th May, 1813.

SIR,

Yesterday sir George's aid came and informed me that the nature of my confinement had been contrary to his orders, and colonel Lethbridge was required to restore me my liberty. I was also informed that you and myself would probably in a few days be sent to the United States. Colonel Lethbridge told me he would send for me at 3 o'clock and take my parole. In less than an hour major Shackleton called, and said the governor,

after more mature consideration, had concluded he could not let me have my liberty until he would hear from general Proctor.

Two or three days after my imprisonment major Shackleton told me that general Proctor had promised, with the next despatches, to send on all the papers relating to my case, and that then I would have a hearing.

So you may see punishment by torture is not yet abolished. If they had drove a dagger through my heart, my punishment would have been much less, and their compassion much greater.

Yours, &c.

SAMUEL M'KEEHAN.

Major Shackleton also told me that colonel Baynes was unauthorised to tell me what he did.

S. M'K.

Lieut. Dudley.

Montreal jail, May 12, 1813.

SIR,

I am requested by doctor M'Keehan to inform you of his present unpleasant situation. He is at this time so unwell as to be confined to his bed, and has no chance of getting any thing to make him comfortable. No person attends here to examine our situation, neither have we a chance to send out after any necessaries that we want.

I am confident the doctor's case requires some very speedy aid, particularly as it respects his confined situation, lodging, &c.

Yours respectfully,

GEORGE H. RODGERS,

United States' army.

Lieut. Dudley.

Niagara coffe-house, May 24, 1813,

SIR,

Without introduction or apology, I beg leave to state to your excellency, that, on the 31st of January last, I was ordered by general Harrison to proceed to the river Raisin with a flag of truce. I was required in my instructions, if I met no British officer at that place, to proceed to Malden, (if too great danger did not appear from the savages.) The same evening, thirty-three miles from the river Raisin, the Indians fired upon us, and killed Mr. Lamont, (one of my attendants,) wounded myself in the foot, then conveyed me to captain Elliott, who took me to the river Raisin, and from thence sent me to general Proctor at headquarters, in Sandwich, who swore, by God, that the flag and papers, which I gave him, was only a pretence to cover a dishonorable service. I rebutted his insinuations as moderately as my indignant feelings would permit. General Proctor made several observations on general Harrison's ability as a commander; said he was used to fight Indians, but not British troops, &c. &c. He kept my instructions; did not even inform the senior officer, ensign Baker, of the American prisoners, that he had a letter for him. I was ordered to a tavern under the care of a French serjeant. I waited till the 4th February, before I wrote to general Proctor, demanding in what character I was considered, how long I would be detained, and the cause of my detention.

The next day the general's aid informed me I was recognized as surgeon's mate, and would attend with doctor Brown on the American wounded prisoners. On the 12th I received a letter from general Proctor, in answer to one I had written to him on the day before, of which the following is a copy:

Sandwich, February 12, 1813.

SIR,

In answer to your letter of the 11th instant, I am directed by colonel Proctor commanding, to observe that you were sent in for the purpose of attending on the sick and wounded of general Winchester's army, for which purpose you are now detained, and beg leave further to observe, that in the execution of your duty you will render a most important service to your country.

I have the honor to be, sir,

Your humble and most obt. servt.

A. W. M'LEAIN, A. D. C.

I continued to attend the wounded until the 2d of March, when A. D. C. M'Leain informed me that I was accused of carrying on a private correspondence, and that he was ordered to take me into custody, and secure my papers, which was accordingly done in the most uncivil manner. On the 8th of March I was taken by a guard to fort George, without trial or hearing, although I had written to general Proctor repeatedly, requesting an investigation, to which I received no answer of any kind. From fort George I was sent to Montreal, and hurried on night and day, although thinly clothed, (having been robbed and stripped by the Indians,) and the weather very cold. On my arrival at Montreal, I was, without being asked any questions, or permitted to ask any myself, put into a dungeon eight or ten feet below the surface of the ground, in dark and solitary confinement, and there kept thirty-three days, after which I was put up with the American prisoners. A few days after my elevation, lieutenant Dudley became acquainted with my situation, and made such representations to governor Prevost as

induced his excellency to send his aid, colonel Baynes, who said he was directed by the governor to inform me that the outrage which had been committed on my person was contrary to his orders, and told colonel Lethbridge to take my parole and liberate me immediately. The colonel, not having materials for writing at hand, said he would send for me at 3 o'clock. In less than an hour the town major came, and informed me that the governor, on more mature consideration, thought he could not liberate me until he got despatches from general Proctor. On the 17th of May, eight or ten days after, I was taken from prison, and, in company with lieutenant Dudley, sent to the United States. I may here observe that the apartment in which I was confined did not contain either chair, bench, or stool, or bedding whatever, for the space of two weeks. Fresh beef was furnished, but no salt. I was denied pen, ink, and paper, and treated uniformly with the utmost contempt by the serjeant, whom I had the honor of seeing once every day for a few minutes. By the request of fourteen American prisoners, now in Montreal jail, whose names are hereunto annexed, I beg leave to state to your excellency that they are kept in close confinement, sometimes half a day without water, and frequently two or three days without wood to cook with; and when they complained, the jailor's curses were freely lavished upon them. They have not the privilege of procuring some little necessaries, which the benevolence of some humane persons enabled them to do, by giving them a little money. Sir George Prevost has told them that their confinement is owing to the bad faith of their own government, &c.

I would have stated to your excellency the

knowledge I had, through the report of others, of the outrages and cruelties exercised on the American prisoners taken at general Winchester's defeat, but must refer your excellency to Mr. Ruland, who had a command in the Michigan militia last summer, and who was, after having been dispossessed of all his property, sent to fort George with me, who, no doubt, had many opportunities of hearing such things triumphantly spoken of among British officers and subjects.

I have the honor to be,

Your excellency's most humble

And obedient servant,

SAMUEL M'KEEHAN,

surgeon's mate 2d regiment Ohio militia.

Major general Dearborn.

List of persons in Montreal jail.

Geo. H. Rodgers, United States' army,	Major Watson,
	Alexander M'Gregor,
William Hollenback,	Lewis Minor,
Seth Barns,	John Campbell,
Gains Hooker,	Zebina Konkey,
Philaster Jones,	Pliny Konkey,
Danny Jones,	David Johnston.
Jared Witherall,	

Harlem, August 30, 1813.

Sir,

In reply to your letter of the 27th current, respecting Mr. Samuel M'Keehan, surgeon's mate in the Ohio militia, and fourteen American prisoners of war at Montreal, mentioned by him, I beg leave to assure you that no exertions on my part shall be omitted to obtain an early and satisfactory elucidation of the treatment stated to have been received by Mr. M'Keehan, and which he repre-

sents the fourteen other prisoners at Montreal experienced. By the next post I shall take the liberty to transmit to you a despatch to his excellency sir George Prevost on the subject, with copies of your letter and the documents enclosed therewith, which I request you will be pleased to have forwarded to Canada by a flag of truce.

I confidently hope a satisfactory explanation will be returned: whatever else may be considered as exceptionable traits in the characters of the individuals composing the nation to which I belong, inhumanity towards prisoners, has, I suspect, never before been attributed.

I have the honor to be, sir,
Your obedient servant,
(Signed) THOMAS BARCLAY.

General Mason.

Harlem, 17th August, 1813.

SIR,

The enclosed is copy of a letter to Mr. Moore, sub-agent for British prisoners at Schenectady, from Joseph Edwards and Doctor I. Muirhead, two of his majesty's justices of the peace for the district of Niagara, who, it appears, were parolled on or before the 14th June last, by the American general commanding at fort George, but have since been made prisoners, and marched to Albany, without having (as they state) committed any offence, and no cause assigned for this treatment.

If their statement is correct, which from the respectability of their characters is most probable, the treatment they have received is a gross violation of the cartel of the 12th of May.

I request you will be pleased take immediate measures to ascertain the facts, and if the merits

turn out, as I hope they will, in favor of these gentlemen, that you will order them to be released, reimbursed their expenses from Niagara to Albany, paid three shillings sterling per day for subsistence while at Albany, (to which their rank entitles them,) the necessary allowance for their expenses back to Niagara, and furnish them with passports to return thither.

But should the result of your inquiries prove that these gentlemen have acted improperly or imprudently, I request you will possess me with the particulars

I have the honor to be, sir,
Your obt and humble servt.
(Signed) THOMAS BARCLAY.

General John Mason, &c. &c. &c.

Office of commissary general of prisoners,
Washington 23d August, 1813.

SIR,

I have received your letter of the 17th inst. and have written this day to the deputy marshal at Pittsfield, to make the necessary inquiries there, and at Albany, as to the cases of Joseph Edwards and I. Muirhead, whose own account of their treatment you have transmitted. I can only assure you, sir, that if any thing incorrect has been done toward these persons, an immediate and proper course shall be taken; at any rate you shall be informed of the result of my inquiries.

In the mean time I shall refrain from entering into a discussion of the merits of the case as supposed by you.

I have the honor to be, sir,
Your obedient servant,
(Signed) J. MASON.

Colonel Thomas Barclay, &c. &c. &c.

Extract of a letter from the commissary general of prisoners to colonel Robert Gardner, U. S. agent for prisoners near Quebec, dated October 23, 1813.

"Information has been received at this office, that Doctor William M'Dowell Scott, late marshal of the United States at Detroit, seized by the British officer commanding at that place, during last summer, and sent to Quebec, was, and is still closely confined there; and that Doctor James W. Wood of Plattsburg, Champlain, and Innis B. Palmer of Schlosser, respectable private citizens, have been seized by the same authority, and confined at the same place.

"You are requested to inquire of the proper authorities into the circumstances of these cases, and if you find them to exist in the manner I suppose them to be, to remonstrate, respectfully, but strongly against the confinement and detention of these gentlemen, and that you will use your efforts to have them liberated, and sent back to their country, with the prisoners about to be released. You will be pleased to report, in any event, particularly, to me the circumstances of each case, the manner of confinement and treatment, and the alleged cause."

Office of commissary general of prisoners,
Washington, 27th December, 1813.

SIR,

Under cover with this, I have the honor to transmit you copies of letters, and enclosures received from colonel Gardner, American agent for prisoners of war in Canada, received a few days ago by colonel Boerstler, a list of which is annexed.

By these you will perceive the manner in which that gentleman is restricted; how different the treatment towards him, from that observed toward the British agents similarly situated in this country. In short, that he is so tied up, that it is impossible that his functions can be performed in such a way as to be of the utility intended toward our prisoners, by the letter and spirit of the arrangement on this subject between the two nations.

I beg to call your particular attention to the letters which passed between colonel Gardner and captain Kempt, your agent for prisoners relative to rations. You will observe, sir, that as late as the 31st October, my last communication, the allowance stipulated by the cartel had not been furnished our prisoners. I have to request, sir, that you will make immediate interference on this occasion, and cause a full allowance to be made them. Our soldiers will feel, keenly, the difference between half a pound of bread and half a pound of meat. Yours have constantly had it since the establishment of the cartel, and before that even more; an early inquiry on this subject is the more necessary on your part, because, from the hesitation of your officers it does not appear that they mean to alter the system on the remonstrance of colonel Gardner; and because, as your commanders had refused to receive an agent in Canada, until in the latter part of last summer, we had no means of ascertaining what was the subsistence allowed by your officers in that quarter, to our prisoners, until the arrival of colonel Gardner, remonstrance from this office has been much later than it otherwise would have been.

You will remark, sir, by the communication of general Glasgow, of the 15th October, to colonel

Gardner, that his letters are all inspected before they are permitted to come away, and by colonel Gardner's letter to me of the 19th October, that all letters, even from this office, to him, will be opened.

I am instructed, sir, to request you in future, to send all your letters for *Canada* unsealed through this office, and to inform you that all letters from that quarter to you must be inspected.

I have the honor to be, &c.

(Signed) J. MASON.

Colonel Thomas Barclay, &c. &c. &c.

Extract of a letter from colonel Robert Gardner, United States' agent for prisoners in Canada, to the commissary general of prisoners, dated at Beaufort, October 15, 1813.

"I have this day visited the prison in Quebec, accompanied by colonel Perry, who has a particular command in the city, which includes the prison. Thirteen persons were shown me who were said to be Americans; on inquiry I find, that a doctor Scott and a Mr. Knaggs are American citizens, copies of the statements of their several cases I have the honor to enclose, having, also, enclosed in a letter to sir George Prevost (copy of which is herewith) duplicates of the above statements. A Mr. John Gilbert, and a black man of the name of Jones, are, also, American citizens; they had previously given to colonel Perry a statement of their cases, and he had forwarded them to sir George Prevost; they promise to give me copies, and when I have them I shall do what I can in their behalf; they were residents in Canada before the war, the others have long been residents in Canada, and most of them under the oath of

allegiance to the British government; one of them (a Roswell Johnson) went from Charry, within the British lines, to shun a militia draft. The situation of these men are as comfortable as prisoners in jail can expect to be; and they say, that since colonel Perry has had the command of the place it is much bettered. There is, also on board one of the prison-ships, an American citizen of the name of Stephen Richards, whom I think detained contrary to the spirit of the cartel. I have sent copy of his statement to sir George Prevost; I enclose you another."

(Copy.)

To colonel Gardner,

Sir,

I beg leave to make a candid statement of my situation. I came into the United States early in 1796, a young man. I resided several years there, and at length regularly became a citizen, and held some respectable appointments. In this situation I was when surrendered by general Hull to general Brock, in August 1812, when we were to be protected in persons and property, and the militia of the country to remain peaceably at home as if nothing had occurred. Shortly after this, I was stripped of all my personal property to upwards of 500 dollars. I remained quietly at home, and in the fall had permission from general Proctor to depart in a vessel, but the season was late and vessel leaky, so that we had to return. In this manner I remained until the month of February last, when, with a number of Americans, I was ordered to quit the territory for the state of New York, by the way of fort George, and furnished with a

regular passport as a citizen to behave as becometh. We travelled this distance at our own expense, and without any guard. While remaining at fort George I was examined before his excellency sir George Prevost, who declared I was to be considered in no other light than the others of Brush's militia who were all crossed over there. It was not deemed expedient to cross over any more at that place. Colonel Brush had permission to return to his family, or to go to Kingston, and be crossed over there, which he did two or three days afterwards. While waiting for liberty to cross over I was warned to hold myself in readiness to proceed to Kingston; I was taken charge of as a prisoner by the serjeants and conducted to Kingston from one jail, guard-house, or cell, to another, and from thence to Montreal, where I was examined by the police and committed as a prisoner of war—received information I should be crossed over the line from the police office in the course of a week, and just at that time I was forwarded to this city, and I am now confined as a British subject having an intention of joining Harrison's army, although I had never been examined. Since, and all winter, if I had been so disposed, could have rode to the army in three hour's time, as it was not thirty miles distant from my farm. I have applied to the chief justice and the supreme court to investigate the case, but without success as yet. If I am a British subject I have done nothing to merit imprisonment—if an American citizen I am illegally confined and detained in prison in this manner. The contractor's agent at Malden purchased cattle of mine for which I have not been paid, exclusive of others taken for immediate consumption, and to be paid for. Also, for the use of my horses for

expresses and fatigue—and in addition my horses and sleigh, which I had to leave about twenty miles back of fort George, when I was made a prisoner. All these things I have suffered without any act or deed on my part, that I know of, to merit this punishment; and to crown all, thrown into the common prison, among felons, convicts, and negroes, and sometimes deprived of the common field rations, far from my family and friends, or the means of assistance and relief.

I hope my case, sir, being taken into consideration I may be honorably released, and suffered to depart in search of my afflicted wife and distressed family.

I have the honor to remain, sir,
With profound respect,
Your obedient servant,
WILLIAM H SCOTT.

Quebec prison, October 8, 1813.

On board his majesty's ship Lord Cathcart,
Quebec, Oct. 14, 1813.

HONORED SIR,

I resided in Upper Canada at the commencement of the present war, and refusing to take up arms against my country, I left this country under the proclamation of general Sheaf, in Upper Canada, turning myself and family out of doors and home to seek another in the United States.

I need not inform you of my feelings on this turn of fortune, which always attend the ravages of war. But my greatest care was for my family, which I considered myself the author of tearing them from their relatives and friends, in removing

them to a place they were strangers to. We had lived about six months in this situation, when my wife grew very uneasy to go back to Canada to pay her father's family a visit, which brought an illness on her on this account. I thought it my duty to do what I could for her, and it terminated in making myself a prisoner for six weeks, to this day. The way it took place was, that I came to Morristown, opposite to Brockville, where I was taken, and inquired if there was an officer of the army whereby I might procure a flag; but was informed there was none. They informed me that they had crossed with a flag, although not regular, and had always permission to return; and under this impression I crossed with my wife: there was a major of the militia who came down to receive me, and told me he had no orders to let me land; I told him I would return: but some of my wife's friends desired the major to let her stay until her brother (who lived near by) could come down and see her; he then told me that I might come alongside the wharf; from thence, he informed me, that I could go up as far as a tavern, where I was immediately put under guard and a prisoner, and have been sent on as a prisoner of war, as far as this place. Thus, honored sir, if you think my situation is worthy of your notice to procure me a discharge, it shall never be eradicated from my memory to your goodness.

Yours most respectfully,

STEPHEN RICHARDS,

citizen of the United States.

Colonel Gardner, agent.

(Copy.)

To colonel Gardner, &c.

SIR,

I take the liberty of troubling you for a moment, and have only to state, that I am detained a prisoner in Beauport, by the British government, and solicit your assistance in procuring my release.

I am a resident of the town of Champlain, in the state of New York, and have resided within one and a half miles of the line of separation between the two governments for a number of years. I was taken prisoner by the British troops on their expedition to Plattsburg, on the 30th July last, and have been detained ever since; of which, sir, I think I have just cause to complain, as I was promised by colonel Murray, who commanded the troops, and captain Everard, who commanded the navy, that I should not be detained any longer than until their return from Plattsburg, of which I can produce satisfactory testimony; and further, that those officers pledged themselves and their government by their proclamation, the purport of which was, that if the American citizens would not oppose them with force and arms on their Plattsburg expedition, they, nor their property, should not be molested; which condition was strictly adhered to by the American people.

His excellency the governor of the provinces, sir George Prevost, issued a proclamation the 4th of September last, disavowing the principle and act of imprisoning civilians, and he cannot pretend that I was taken in retaliation for civilians taken in Canada, for in his proclamation, dated more than one month after I was taken, he disavows of ever having retaliated, but speaks in the future tense, that he will retaliate hereafter in case

the Americans persist in the same unlawful practice of seizing and detaining civilians belonging to the British government.

I am the only prisoner taken on or near our frontier, who was not doing military duty, and I believe, that if sir George Prevost is possessed of humanity, I am sure he cannot help sympathising with the unfortunate; and he must be aware of the immense sacrifices of being separated from a family in the way I have been; and, sir, if you will procure my discharge you will lay me under the greatest obligations.

I have the honor to be, sir, &c.

(Signed) JAMES WOOD.

Beauport, October 18, 1813.

(Copy.) Beauport, October , 1813.

Sir,

There are detained in Quebec jail two persons by the names of William M. Scott and Whitmore Knaggs; one on board the transport Lord Cathcart, by the name of Stephen Richards, and one other at Beauport by the name of James Wood, who complain that they are improperly held and detained, the three former as prisoners of war, the latter as a hostage for a Mr. Dixon, taken at fort George. Copies of the statements of their several cases, made by themselves, I have the honor to forward to your excellency.

Mr. Scott appears, by his statement, to have been once examined by you, and that according to what he conceived to be your opinion then, concerning him, he was not a prisoner of war, and ought to have been returned. What new matter

has been brought to light against him, and which is legal grounds for confining him now as a prisoner of war, I cannot tell.

Mr. Knaggs, if his statements are correct, is, as I conceive, improperly detained upon a slight suspicion excited against him without much cause, and which, he says, he can prove to be groundless.

Richards is a simple man, and has been brought into difficulty by following the advice of men who knew as little as himself. He, no doubt, came improperly within the lines, but merely accidentally did so, with his wife in company, and there is no pretence that he was a soldier, or in arms, as he informs me, and if so, he is certainly, according to the cartel, a non-combatant, a private citizen, not liable to be held a prisoner of war.

With respect to Dr. Wood, his case is fully stated by himself. It seems he is not exactly a prisoner of war, but held as a hostage. If, as he states, he was improperly seized in the first instance, I beg leave to ask of your excellency whether his subsequent detention as a hostage is not also improper? He had no agency in the seizure of Mr. Dixon, whether such seizure was correct or not, but relying, as he says, upon the assurances given him by the commanders of the British land and naval forces on the expedition to Plattsburg, looked upon the return of that expedition to the coast of Champlain as the period of his enlargement and restoration to his family. I forbear to make any further remarks on the statements of the above persons, or on their particular cases, in the full confidence that they will receive your excellency's consideration, and that it will be your pleasure to restore them to their families, if consistent with the discharge of your duty, or,

that you will have the goodness to give me information, for the satisfaction of my government, wherein their statements are incorrect.

I have the honor, &c. &c.

ROBERT GARDNER,
American agent for prisoners of war.

His excellency sir George Prevost, &c. &c.

Plattsburg, December 6, 1813.

To general Mason, commissary general for the parole and exchange of prisoners,

SIR,

Being brothers of doctor James W. Wood, the undersigners, with major E. D. Wood of the engineers, beg leave to solicit your attention to a subject very interesting to us, and of the greatest importance to the unfortunate sufferer; more peculiarly so, as he is a private citizen, in no manner connected with the army or navy, without public support, and unexpectedly hurried, by a relentless enemy, from his country and numerous family, daily exposed, from their proximity to the frontiers of the country, to the cruelty and depredations of the foe.

The characteristic humanity, and the watchfulness of the national authorities for the safety and protection of American citizens, have inspired us with a (well founded we trust) confidence that the proper official means will be taken to answer our humble request, in restoring to his country, one who was rendered obnoxious to the invading foe, by his zeal and activity alone in his country's cause.

Doctor James W. Wood was taken by a British invading force, near the northern limits of the state of New York, on Lake Champlain, the 30th of July last, soon after conducted to Beaufort, near Quebec, and is now confined there as a hostage for the restoration of Mr. Dixon, a lawyer, taken some time since by the United States' troops under general Dearborn, at or near fort George, and is now confined a prisoner at Pittsfield.

The public interest permitting, we earnestly entreat that a speedy exchange may take place between them, or some other method, in your wisdom, be resorted to, by which our unfortunate brother may be released from the pain and horror of British imprisonment, and shall continue to solicit.

We are, sir, your very
Obedient, humble servants,

(Signed) BENJAMIN G. WOOD,
JONATHAN K. WOOD,
IRA A. WOOD,
BEZABEL WOOD, jun.

Office of commissary general of prisoners,
Washington, November 30th, 1813.

SIR,

I am instructed to direct you to release all the persons, in civil capacity, now in your charge and on parole, who had been arrested in Canada, in the neighborhood of fort George, last summer, of whom you may have no information of misconduct, to return to their homes in Canada, by the most direct route, avoiding all military works and posts. You will give to each a special passport, descriptive of his name and person, and directing him to

present himself immediately on his arrival in Canada, to the American commander at fort George, who will be requested to permit them to pursue their usual avocations, and remain at their respective places of residence, during their correct and peacable demeanor.

They are, I understand, to be
Wm. Dickson, barrister at law.
Joseph Edwards, merchant and justice of peace.
James Muirhead, surgeon.
Andrew Heron, merchant, Niagara.
John Greer, ditto
John Baldwin, ditto
John Crooks, clerk to James Crooks, merchant.
Haggai Skinner, farmer, full 64 years of age.
——— Doan, farmer.
——— Ramsay, a boy of Stamford.
John M'Farlance, boat builder.
William Ross of the commissarat, and
Alex. Donald, dy. paymaster of militia.
John Syminton, ditto ditto
} If they do not hold militia commissions in the line.

You will state to these gentlemen, some of whom are known to be very respectable, that the government has granted this indulgence from a desire to alleviate the sufferings of individuals, as much as the present posture of things will permit, and that it is expected of them that they will, on their return, so demean themselves, as to give no future cause of complaint.

I have the honor to be,

Sir, your obedient servant.

(Signed) J. MASON.

Thomas Melville, esq.
deputy marshal of Massachusetts.

Extract of a letter from the commissary general of prisoners to colonel Thomas Barclay, dated Dec. 22, 1813.

"On the 30th ultimo orders were given to release, to return to their homes, the British subjects Messrs. Dickson, Muirhead, and others, sent in from the vicinity of fort George in civil capacity, relative to whom you inquired in the month of August, and I learn from major Melville that they have set out on their return."

Extract of a letter from colonel Baines, adjutant general of the forces in Canada, to Thomas Melville, esq. deputy marshal of Massachusetts, dated at Montreal, January 31, 1814.

"By this opportunity doctors Campbell and Easterman are sent back, in conformity to the terms of the cartel, as being non-combatants, and in consequence of your assurance of the release of William Dickson, and the other civilians of Niagara. Messrs. Wood, Scott, deputy assistant commissary Heron, and all other non-combatants, under similar circumstances, have been released and permitted to return at their own convenience, and on the same terms. I have to solicit the release of deputy assistant commissary Green."

Office of commissary general of prisoners,
Washington, January 19, 1814.

SIR,

I have now to speak of the facts alleged and the inferences drawn in the publication made by you on the 13th of last month, respecting which act I had occasion in a despatch of this date, to convey to you the sentiments of this government.

The effort on your part seems to have been to invalidate, before the people of the United States, the whole of the statement, relative to the treatment of our agent and prisoners, made on oath by Mr. Abraham Walter, late a prisoner at Quebec, by disproving what he had deposed respecting the provisions served out to our prisoners. His allegations, however, that several American prisoners taken with him in June last, were immediately separated from their comrades, and confined, to be sent to England to be tried for treason, on the mere suspicion of the examining officer; that others were forced on board British vessels, to assist in working them to Halifax and England; that forty-six American officers and non-commissioned officers were imprisoned under a proclamation previously made; that some of the American officers had been rigorously confined on the plea of breach of parole; and that colonel Gardner, the American agent at Quebec, was restricted to the same limits prescribed to prisoners of war on parole, and not permitted to visit prisoners in the prison ships, or the town to negociate his bills, are most of them unquestionably true; and that others, from practices known on different occasions, are by means improbable can be readily shown. Of the first class are the facts of the confinement of the forty-six officers, about which, no evidence is now necessary; of the treatment of colonel Gardner, witness the letter of general Glasgow to him, of the 19th of October, copy of which has been heretofore furnished you; of the rigorous confinement of some of the American officers, though it is believed, not in irons, for an accidental overstepping of the parole limits, as I am assured by colonel Boerstler, lately a prisoner at, and returned from

the vicinity of Quebec;* was the case and of the forcing our seamen, prisoners at Quebec, to work British ships, to prove this fact, I send you an extract of a letter from Mr. Mitchell, our agent at Halifax, dated November 11th, 1813, in which he expressly states, that "some of our people have been employed to navigate their transports from Quebec here, and on from this for Bermuda, the transport seamen having been sent on the lakes," and that he had remonstrated against it; and that this practice is not new, I beg leave to recall to your recollection an advertisement by Mr. Maude in the Jamaica newspaper, (exhibited to you in my last,) in which he, the British agent for prisoners in that island, offers to hire American prisoners to work British ships on their voyages, &c.; this fact has since been inquired into, and established. I have in my possession a Jamaica newspaper containing the advertisement.

Of the second class is the circumstance of confining American prisoners, on charge of treason, on mere suspicion. For a similar procedure, I refer to the instances quoted in my letter to you of 23d of November, and an extract of a letter from Mr. Mitchell of the 11th November last, stating that twelve or fourteen persons so sent, had passed Halifax from Quebec for England. With regard to the other points, previous to the establishment

* Note. It has been found on further communication with colonel Boerstler, that he was in part misapprehended in relation to the American officers confined at Quebec for breach of parole; that as to the accidental overstepping the local limits, he alluded to another case, in which certain officers were threatened with confinement; and that the officers referred to by Mr. Walter, had actually committed a reprehensible breach of limits, were closely confined for that offence, and so remained at the time of the last accounts from Quebec.

of the cartel, entered into between you and myself in May last, and immediately after your arrival in this country, complaints had been made from many quarters; from all as to the quantity, and from several as to the quality of the provisions furnished our prisoners. I will instance a few of them. Mr. Beasley, our agent in England, stated, in a letter dated November 5th, 1812, that the allowance per man, other than of bread and vegetables, was, for five days of the week, only half a pound of beef a day, and for the other two days, one pound a day of herrings or codfish. Mr. Mitchell, American agent at Halifax, wrote, on the 17th of October of the same year, that the prisoner ration there, besides bread and vegetables, consisted of no more than half a pound of meat per day. Colonel Lear, our late consul general to the Barbary States, having been, on his way from Algiers to the United States, detained at Gibraltar, from early in August to the latter part of November, by the seizure of the ship in which he was a passenger, and of all other American ships in port, and the confinement of their officers and crews as prisoners of war, acquired a good knowledge of their treatment, from the interference in their behalf, which his public character authorised him to make, and informed the government that "the allowance for American seamen, prisoners in Gibraltar, was, according to the technical expression of the place, six upon four; that is, the full allowance of four men to be divided among six prisoners, and it was universally said, the part of the allowance which consisted of bread and peas, was in so decayed a state as not to be fit or wholesome to be eaten, and that the whole was deficient in weight, according to the proportion before stated. But upon this subject, as well as upon all

other points relative to the treatment of American seamen prisoners in Gibraltar while I was there, I would refer you to captain Eben. Eveleth, late master of the Allegany." The following is an extract from a letter of captain Eveleth to me on the same subject. "With respect to the crew of the Allegany, they were sent on board the prison ship, the day after she was detained, and there closely confined, till the last of January, when they were sent to England.

"During their confinement, on board the prison ship their allowance was as follows, viz: for six men.

Days of the week.	Bread.	Beef pieces of 8 lb.	Pork pieces of 4 lb.	Pints of peas.	Pints of oatmeal.	Ounces of sugar.	Pints of cocoa.	Pints of rice.	Pounds of raisins.	
Sunday	4		1	2						No fresh provisions, or vegetables, are allowed on board the prison ship.
Monday	4				4	6	4			
Tuesday	4	1*								
Wednesday	4			2				4	3	The bread, flour, and rice, was generally very bad, being half devoured, and full of insects.
Thursday	4		1	2						
Friday	4			2	4	6	4			
Saturday	4	1*								

* Or 4 pounds beef and 3 pounds flour.

"I myself was permitted to remain on board the Allegany, with my son, the second mate, and steward, until the eighteenth of November, when, without the ship being libelled. we were sent on board the prison-ship, and fared in the same manner with the rest of the crew until the 21st of January."

You will no doubt recollect, that when the article of the cartel, in relation to rations, was under discussion, I more than once took occasion to mention to you, that the quantum of the ration, as limited every where by your government, was unsatisfactory, and that we had repeated information of abuses as to the quality of the provisions given out by your officers to our prisoners; while your prisoners had constantly received in the United States the most ample and wholesome allowances. It is true, remonstrances were not then more formally made for what was past, because it was considered a greater object to provide by express agreement against future deficiencies of this nature.

Since the adoption of the cartel, it gives me pleasure to acknowledge, that complaints as to the prisoners' rations have been received but from one of the stations at which we have agents, although many have been urged as to other treatment of our prisoners from several. Your government is in the habit of holding prisoners at many, and at distant places, in which, having no agents, we have no certain information of their treatment; but it is remarkable, that in that instance the complaint was made as soon as it was well possible it could have been done,—in four days after the arrival of the agent, direct to the proper British officer, and remained, as far as we know, as yet unredressed; and that it comes from

the very station, Quebec, in relation to which you have thought proper in your publication to advance the position, that if injustice was done, "blame in some degree attaches to the British officer who has care of the prisoners, but the greater proportion of it must rest on colonel Gardner, whose duty it is to see that justice is done the prisoners." It is to be remarked, too, that you were in possession of the correspondence of colonel Gardner on this subject with your officers on the 2d of January, when you express yourself as gratified that colonel Gardner, with two exceptions, confirms the truth of your assertions; now certainly he speaks of the treatment of prisoners (in the letter complaining of their subsistence) only in regard to provisions; and in others he complains of the imprisonment of the officers, and his being barred all access to them; of the severe privations inflicted on our prisoner soldiers shipped off to England; because of the refusal to permit him to distribute clothing, and a small advance of pay to them; and against your assertion, that he had the best opportunity of knowing in what manner the prisoners under his care have been treated, he expressly states, that he is so restricted, that his presence there can be longer of very little use. I need not remind you, that until the latter part of last summer your officers in Canada had constantly refused to receive an agent for prisoners from us in that country; that very soon after their assent to this measure was signified, colonel Gardner was appointed and despatched; that he left Boston, his place of residence, on the 1st of September, and owing to a detention, after he entered your lines, did not reach Quebec until the 8th of October; hence, the lateness of his complaint, and of my remonstrance to you of the

27th of last month, made very soon after the reception of his letter. Nor is it less singular, that the two exceptions, of which you speak so lightly, happen to be in relation to the two principal points on which you have put yourself at issue with Mr. Walter—the quantity and quality of the bread and meat part of the ration served to the prisoners; colonel Gardner unquestionably, as to both, expresses himself as dissatisfied, and demands redress—as to the meat, in so great a proportion as *one half* of the quantity—and as to the quality of the bread, it not being made of *wheaten flour*. It will be readily granted, that he does not represent the quality of either bread or meat to have been, at the time he inspected them, (for we have no accounts as yet of but one inspection by him,) such as it is stated to have been by Mr. Walter; but in justice to Mr. Walter it must be recollected, that he was confined in Quebec, and fed on prisoner's allowance for several months before the arrival of colonel Gardner; and it is not improbable that under the direction of officers who had continued from early in summer, when (we know they received the cartel) as late as November, to furnish only half the allowance of meat promised by their government, it may have happened, that at some time during this period they were as regardless of the quality of the provisions, as were the officers in Gibraltar the year before, as shown by letters of colonel Lear and captain Eveleth, before quoted.

I have the honor to be, &c.

(Signed) J. MASON.

Colonel Thomas Barclay, &c. &c. &c.

Extracts of a letter from colonel Thomas Barclay to the commissary general of prisoners, dated at Harlem, January 25, 1814.

"That Mr G. Walter's representation did not comport with the truth, is evident from colonel Gardner's letter of the 12th October, 1813, to captain Kempt, British agent for transports and prisoners of war, wherein, after stating that the American prisoners at Quebec were not subsisted agreeably to the cartel of 12th of May, and requesting that half a pound of bread may be deducted from the rations received, and half a pound of beef, or a quarter of a pound of pork added, in order to make the ration agree with the directions in the cartel, he adds, 'I take this opportunity to say to you, that I see no cause at present to be dissatisfied with the treatment of the prisoners in other respects."

"There was no intention or effort on my part," as you have been pleased to state, 'to invalidate before the people of the United States the whole of the statement relative to the treatment of your agent and prisoners, made on oath by Mr. Walter;' on the contrary, if a fair construction is given to the publication by me, the other charges, from my silence respecting them, would rather be considered as admitted than denied. I abstained from touching on them, because they have been repeatedly subjects of correspondence between you and me. On the subject of provisions issued to the American prisoners at Quebec, you had never complained and I confess I rather looked for your approbation than objections to my correcting the misrepresentation. The two nations are already sufficiently irritated against each other, to render fuel to the flame necessary, by means of false representations."

" With respect to the grievances stated in your second letter of the 19th instant, I have to remark, that they are matters which must be negotiated between Mr. Monroe, the secretary of state, and admiral sir John Warren, or with his majesty's ministers in London. I shall transmit copies of your letter to the commissioners, and call their attention particularly to captain Eveleth's table of provisions daily issued at Gibraltar, described in your letters, and acquaint you with the answer."

" I have lately received from the commissioners the objections of his majesty's ministers, and the lords of the admiralty, to some of the articles of the cartel of 12th of May, 1813; one of which is particularly pointed to the ration of provisions agreed upon in that cartel. I am preparing copies for you, which I hope to forward in a few days."

Washington city, February 10, 1814.

SIR,

Enclosed you will receive a list of thirteen American seamen, prisoners of war, confined on board the British prison-ships at Quebec. On or about the middle of September, 1813, they were forcibly taken out of said prison ships and sent on board the homeward bound transports to assist in navigating them. A certificate signed by Mr. Osgood, master's mate in the United States' navy, who was present at the time, together with a copy of an order from general Glassgow, the commander at Quebec, to captain Kempt, the British agent for prisoners, directing him to take the American prisoners for that purpose, was left in the hands of general Chandler to be forwarded on to the navy

department; as they have not been received I feel it my duty to make this statement known.

I have the honor to be, sir,
Your obedient servant,

(Signed) L. DEACON,
lieut. com. U. S. schooner Growler.

The honorable William Jones,
secretary of the navy.

List of American seamen, prisoners of war, taken from on board the prison-ship at Quebec, to work on board of the transports, and sailed from thence.

UNITED STATES' SCHOONER GROWLER.

Colvin Williams, boatswain,
William H. Warner, seaman,
Philip Baker, do.
William Johnson, do.

SCHOONER JULIA.

William Wilcox, seaman,
John Mallet, do.
John Rian, do.
James Peterson, do.
John Bernard, do.
John Smith, do.
James Riley, do.
Edward Myers, do.
George Springs, do.

Office of commissary general of prisoners,
Washington, April 2, 1814.

SIR,

One of the objections to the cartel entered into between you and myself on the 12th May last, made by the commissioners of the British admiral-

ty, as stated to me in your letter of the 1st February, is to the allowance to prisoners for subsistence: the daily ration agreed upon in that instrument for prisoners, and certainly little enough to support a hearty man without suffering, was 1 lb. of beef or 12 oz. of pork, 1 lb. of wheaten bread, $\frac{1}{4}$ of pint of peas, or 6 oz. rice, or 1 lb. of potatoes, and 2 quarts of salt, and 4 quarts of vinegar to every hundred rations. In the new project of arrangement, all stipulation about quantity of provisions is rejected, and you inform me that it is intended to give our prisoners $1\frac{1}{2}$ lb. of the coarsest bread a day; and to eat with their bread, for two days in the week, no meat, only 1 lb. of herrings, and 1 lb. of potatoes for one of these days, and for the other, 1 lb. of codfish, and 1 lb. of potatoes; for the other five days only $\frac{1}{2}$ lb. of fresh beef, $\frac{1}{2}$ lb. greens, 1 oz of Scotch barley, and $\frac{1}{4}$ of an ounce of onions, with $\frac{1}{3}$ of an ounce of salt, no vinegar at any time, and no salt for two days in the week.

I should not have called this subject now separately to your attention, but that in a letter just received from Mr. Storm, agent for American prisoners at Barbadoes, is the following passage: "I now have to state that Mr. Barker, the British agent here, has officially informed me that the convention entered into between yourself and colonel Barclay, has not been ratified by the government of Great Britain; of course our prisoners are not allowed more than two thirds of what they had. I await your instructions on the subject."

I infer from this that the British government has come to a determination as to the provision article, and have given orders to reduce the ration to the standard stated by you, since it is actually in practice at Barbadoes.

I beg to be informed on this subject. You are

pleased to remark in your letter of the 1st February, in explanation of this article, that the British government, so frequently involved in war, has had an opportunity to ascertain what is a rational and proper allowance to prisoners; that it is reasonable to suppose the ration used in Britain, as described by you, "is, in truth, a proper allowance."

You must permit me to observe, that this was not your opinion heretofore, and I should hope cannot now be so, when you reflect on the subject. It is a matter of daily experience and feeling common to every man of every class in the community; every man can at once decide that 1½ lb. of coarse bread, with the scanty appendages of 1 lb. of herrings or codfish, and 1 lb. of potatoes, will not satisfy, for a day, the cravings of hunger; and that the ½ lb. of beef, with the pittance of greens, barley, and onions, allowed, will be very little better. Our prisoners in your hands, on such an allowance, must suffer constantly and severely from hunger. Your prisoners if reduced to a like allowance, must suffer in an equal degree; and yet, repugnant as it will be to the wishes and feelings of this government, if that course has been determined on by your government, it will necessarily be adopted here. I request your particular and early attention to this case, so important to humanity, and shall be much gratified if you are authorised to make any arrangement upon the subject that may obviate the sufferings on both sides, which must ensue by a system which will deal out to the unfortunate prisoners less subsistence than is absolutely requisite.

The privations of these men are, of necessity, sufficiently great; let us avoid increasing them, I entreat you, by refusing that which is every where, proverbially, the first call of nature, *enough to eat,*

and the want of which sinks deepest into human wretchedness.

I have the honor to be, &c.

(Signed) J. MASON.

Colonel Thomas Barclay, &c. &c. &c.

Bladensburg, April 5, 1814.

SIR,

Your letter of the 2d instant I did not receive until yesterday noon. My letter to you of the 1st February was drawn up conformable to the instructions I received from the commissioners. I have long since transmitted to them a copy of my letter to you, and at the same time communicated to them fully my sentiments on each of the articles contained in the cartel of the 12th of May, and the amendments proposed. I think it probable I shall receive an answer in May or June. In the interim, however, I hope to receive your answer to my letter, indeed I have long since expected it. Under present circumstances I cannot return you an answer to the inquiry contained in your letter of the 2d of this month. The 7th article in the draft of the cartel sent you to be submitted to the president, states "they (the prisoners) are to be furnished by the government in whose possession they may be, with a subsistence of sound and wholesome provision." I acknowledge the clause is vague, and perhaps it would have been preferable to have specified the articles and quantity. Yet the word "subsistence" intends a reasonable quantity for the support of nature, and the words "sound and wholesome provision," certainly designate the quality. The precise quantity is-

sued for each government may readily be ascertained through the respective agents of both nations.

You misapprehend me when you state I inform you it is intended to give the American prisoners 1½ lb. of the coarsest bread a day, &c. &c. &c. By referring to my letter of the 1st of February, you will find I expressed myself in the words following: "I transmit herewith a table of the provisions daily issued to prisoners in Great Britain and elsewhere in the British dominions, save in such places as the agents have adopted the regulations of the cartel, but which will eventually be countermanded." The quality of the bread is not mentioned, nor did I state that if the proposed cartel was agreed to by the president, in lieu of that of the 12th of May, that the American prisoners, under the words of the cartel, would receive subsistence precisely conformable to the copy of the table of provisions sent you. I beg leave, however, to say, I think it probable, and for the reasons given in my letter of the 1st of February.

I have received no further information on the subject of the provisions to be issued to prisoners, since I wrote you in February. From what Mr. Storm writes you, it is evident the commissioners have sent orders to the West Indies on the subject. Lieutenant Miller at Halifax, in his letter to me of March, does not hint that he had received any.

I have the honor to be, &c.

(Signed) THOMAS BARCLAY

General Mason, &c. &c.

B

Abstract of the causes assigned by the British admiralty for refusing to discharge seamen impressed from American vessels into the naval service of Great Britain, calculated to show the grounds upon which a compliance with the demands of the agents of the United States to discharge such seamen, is stated to have been declined on the part of the British government.

Refused to be discharged for the following reasons, viz.:

Having no documents,
Born in England,
Not Americans,
Protections irregular,
Voluntarily entered and received the bounty,
Regularly exchanged as British subjects,
Ignorant of America,
Taken in enemy's privateers,
Had accepted warrant offices in the British navy,
Said to be imposters,
Not answering descriptions given in protections,
Natives of foreign countries, Prussia, Sweden, &c.

Insufficiency of documents, viz:

Protections from consuls and vice consuls,
Notarial and other affidavits made in the United States,
Collectors' protections,
Discharges from British ships of war as American citizens,
Ditto from American ditto ditto
Admiralty protections,
Forged protections,
Collectors' duplicate protections.

Documents from the department of state of the United States,
Indentures,
Notarial affidavits made in England,
Marriage certificates.

Other reasons, viz:

Not on board ships stated,
Deserted,
Drowned or otherwise dead,
Invalided,
Sent into the service for smuggling,
Said to be on board ships not in commission,
On board ships on foreign stations,
Were released from prison in Gottenburg,
Not known where or in what ships they are serving,
Names of the ships cannot be ascertained,
Killed.

Correspondence of Mr. Beasley, concerning seamen impressed from American vessels before the commencement of the war, and detained in the British service.

Mr. Croker to Mr. Beasley,

Admiralty office, 5 August, 1812.

SIR,

Having communicated to my lords commissioners of the admiralty, your letter of the 31st ultimo, transmitting a list of men said to be Americans, who have been impressed and detained on board his majesty's ships, and requesting their discharge, I have their lordships' commands to acquaint you, that under present circumstances they will defer the consideration of this request.

I am, &c &c.

(Signed) J. W. CROKER.

R. G. Beasley, esq.

Extract of a letter from Mr. Beasley to Mr. Monroe, dated London, October 23, 1812.

"I have informed you that I had addressed lord Castlereagh on the subject of our citizens who have been impressed, and are now held in the British naval service. I demanded their release, and complained of the treatment which some had received on offering to give themselves up as prisoners, or refusing to serve when they heard of the war. In reply I have received a short note from Mr. Cooke, one of the under secretaries, stating that he was instructed to require of me the names of the men who had received the treatment complained of, and the vessels in which they were, which I immediately furnished; I urged a reply to the other part of my letter. In an interview which I have since had with Mr. Cooke, I took occasion to remind him of it, when he intimated that the government did not intend to answer me on that point, adding, that England was fighting the battles of the world; we had chosen to go to war and so aid the great enemy, and that England had as much right to recruit her army and navy in every possible manner as France."

Extracts of a letter from Mr. Beasley to lord Castlereagh, dated Wimpole street, October, 12, 1812.

"In consequence of the war unhappily existing between the United States and Great Britain, it has become my duty to call your lordship's attention to the situation of the great number of American seamen who have been impressed, and are now held in the ships of war of his Britannic majesty."

"To put an end to a proceeding and a state of things so revolting to humanity, and so contrary

to the law and usage of civilized nations, I persuade myself it is only necessary to present them to the view of the British government, and I therefore trust that effectual measures will be immediately taken to restore these injured men to liberty and to their country."

Extract of a letter from Mr. Beasley to Mr. Cooke, of the foreign office, dated Oct. 19, 1812.

"I beg you to remind lord Castlereagh that the other part of my letter of the 12th instant, requesting the release of the American seamen detained in the British service, is still unanswered."

Extract of a letter from Mr. Beasley to Mr. Monroe, dated London, October 28, 1812.

"Since writing you the 23d instant, I have called twice at the foreign office, and, I am happy to state, I found Mr. Cooke more reasonable on the subject mentioned in my last. Indeed the tone and substance of his conversation were so much changed, that I shall have little to complain of if followed up in practice. In communicating to you, however, this apparent change, I regret to be obliged to add, that within the last three or four days, many of our seamen have been impressed; and I learn that attempts have been made, (and, in some instances, with success,) to entice some, who were confined as prisoners, to enter into British ships of war and merchantmen."

John Barrow to the Transport Board.

Admiralty office, 25th February, 1813.

GENTLEMEN,

Having laid before my lords commissioners of the admiralty your letter of the 18th instant, enclosing the copy of a letter, together with the documents therein referred to, from Mr. Beasley, the American agent for prisoners of war in this country, on the subject of certain alleged citizens of the United States detained in his majesty's service, I have it in command to signify their lordships' directions to you, to acquaint Mr. Beasley, that neither now, in war, nor before, during peace, is, or was the British government desirous of having American seamen in its service, and that their lordships will now discharge, as prisoners of war, as they formerly did as neutrals, those persons who can adduce any sufficient proof of their being Americans.

You will further inform Mr. Beasley, that all the cases stated by him have received, or are under, accurate examination, and that such persons who may appear to be Americans will be immediately sent to prison, as many have been already.

I am, &c.

(Signed) JOHN BARROW.

(Copy.) Wimpole street, 13th March, 1813.

SIR,

I was duly favored with your letters of the 26th ultimo and 6th instant, each enclosing the copy of a letter addressed to the board, on the preceding day, by the secretary of the lords commissioners of the admiralty. I regret that other engagements

should have delayed, until now, a particular notice of their contents, as these include a charge against myself which perhaps required an earlier refutation.

In the letter of their lordships' secretary of the 5th instant, the board are directed to observe to me that the printed letter which I addressed to certain American seamen detained in the British navy, "contains a *statement unfounded in fact*, for that neither since the war with America, nor before, have their lordships declined to release American seamen admitted or proved to be such." It is not necessary to my present purpose, to enter upon an examination of their lordships' conduct on this matter before the war; although my own official observation, in numerous cases, when I held the office of consul, would authorise me to dispute even that part of their secretary's assertion. But with reference to their lordships' conduct since the war, I beg to remind them of their letter of the 5th August, soon after the commencement of the war, in answer to a request made on the 31st July, for the release of certain impressed American seamen, in which their lordships, going beyond the mere declining to release the men, stated, "that under the present circumstances they will defer the consideration of the request for their release;" or, in other words, that they will not, at present, war being commenced, even think on the subject of their release. If further proof be necessary of their lordships having, as I stated in my printed letter, declined the release of such seamen in consequence of the war, I will call to their recollection a letter written by their secretary on the 25th August, in answer to an application for the release of William Wilson, an impressed American detained on board the Cordelia, in which they state, that "this man, being an alien enemy, *must continue to serve or go*

to prison." Should other corroboration be wanted, it may be found in the long and marked silence of the British government to my numerous applications, again and again repeated for the release of these men, seeing that it was not until the 25th February, nearly seven months after their lordships had informed me of their having deferred the consideration of the subject, and nearly five months after my formal demand made to lord Castlereagh, that they directed the board to inform me of their intention to treat them as prisoners of war. And even this was not done until eight days after my printed letter in question appears to have been on their table. Surely it was in utter forgetfulness of all these circumstances, that their lordships declared my statement unfounded in fact; for it appears impossible that they can, in the mind of any person, bear a different interpretation from that which I have given them. But how do these facts bear on their lordships' statement? How, I ask, does their determination that Wilson, *proved and admitted to be an American, must continue to serve or go to prison*, support the assertion that their lordships have *not declined to release American seamen admitted or proved to be such?* But, perhaps, in their lordships' view to send them from service and detention in ships of war to confinement in prisons *is to release* them. If so, it is unnecessary to pursue the subject further, and I will content myself with having vindicated the correctness of my own statement.

I come, now, to the consideration of their lordships' purpose, as expressed in their secretary's letter of the 25th ultimo, to treat as prisoners of war the American seamen who have been impressed, and are held in the British service. Taking into view the manner in which these unfortunate per-

sons came into the power of the British government; that their own rights and inclinations, the rights of their country, the law of nations, and every principle of justice, were violated in the very act by which each of these men was brought within its power, and that this wrong accumulates so long as any of them remain in its power, I do maintain that they are on every ground entitled to, and that the British government is bound to grant, their immediate and complete release. It acquired them only as the spoils of unlawful violence: How then can it retain them as the fruits of lawful war? Its right of control over them can only arise from the lawfulness of their detention; but that which was unlawfully taken cannot be rightfully held: and to acknowledge the pretension to such control as their lordships' purpose implies, would be to legitimatise the act by which they came into their power. The British government disclaims all right and all intention to take them, and this disavowal is an acknowledgment of its obligation to restore them to the same condition, and to the same freedom, from which they were taken. Upon what ground is it then that they are to be treated as prisoners of war? Not many years have elapsed since all Europe resounded with the complaints of Great Britain against France for detaining as prisoners of war certain British subjects, who, having entered the French territories in time of peace, were found there at the breaking out of the war. But if that were regarded in England as an outrage, what will be thought of this detention as prisoners of war of American seamen, who, having been wrongfully taken on the high seas, and forcibly carried into the British service in time of peace, are found therein at the breaking out of a war, doing her service, and fighting her battles? The con-

duct of France was attempted to be justified by certain acts of England which were alleged to be equally contrary to the law of nations. But what justification, what excuse can be set up for this conduct of Great Britain towards the impressed American seamen? What infraction of the law of nations, what violence or injustice exercised towards British subjects, or what outrage is this cruel act to retaliate? It cannot be the free and spontaneous permission given by the United States, at the commencement of the war, for every British subject, of every class and description, found within their territories or in their power, to return to his country, that this imprisonment of American seamen is to requite. And surely this cannot be the indemnification which Great Britain offers these unfortunate men for the wrongs which she has inflicted on them, or the reward which she bestows for the service she has received at their hands.

To the unqualified prohibition of all correspondence between myself and the impressed American seamen in his Britannic majesty's fleet, so unreservedly stated in the letter of their lordships' secretary of the 6th instant, I must conform, whatever may be my feelings and sentiments respecting it. The situation in which these unfortunate men and myself stood towards each other, appeared not only to invite but to authorise a communication between us. On their part the object of this correspondence was to obtain information and counsel as to the proper manner of conducting themselves under circumstances the most difficult, and on occasion the most important and solemn, namely: how to act while forcibly held to service in ships of war belonging to a state engaged in actual hostilities against their country; a situation which their own good sense and proper feelings taught them was

alike incompatible with their rights and their duties. My part has been, after having waited five months in vain for a communication of their lordships' intentions, to recommend them, since there appeared no means of obtaining their release, to give themselves up as prisoners of war; an evil comparatively light to that which they suffer. In other instances, their letters have related the rejection of their offer and the threats of punishment; and all contain complaints of the unexampled hardship of their situation. However, as their lordships declare that the British government has no wish to have American seamen in its service, they will no doubt adopt some effectual plan to make known these sentiments to all such seamen now in its service, and at the same time to inform them of the manner in which, if they desire to leave it, their object may be accomplished. Since I am no longer permitted to advise them in these matters, such a proceeding on the part of their lordships becomes, under all the circumstances, an indispensable measure of justice towards the men, while it is also necessary to prevent their lordships' intentions, on so momentous a subject, from misinterpretation. If the consequence of this interdiction of the correspondence with me be to bring the condition of these men more completely under their lordships' notice, there will, I trust, be less reason to regret it. I intreat their lordships to take their claims into the most serious consideration. Their detention appears to be the only remaining ground of that unhappy quarrel which divides the two countries: and in their immediate release their lordships have an opportunity, by an act of justice and of magnanimity worthy of the British name, to bring back peace and to restore those relations of honorable friendship so natural and so beneficial to both.

I have the honor, &c. &c.

(Signed) R. G. BEASLEY.

Alexander M'Leay, esq. &c. &c. &c. transport office.

Extract of a letter from the commissioners of the transport board, in London, to Reuben G. Beasley, esq. agent of the United States in England, dated Transport office, May, 26, 1813.

"We have received your letter dated the 15th instant, and having communicated the same to the right honorable the lords commissioners of the admiralty, we are instructed by their lordships to inform you, that to your former letter of the 13th of March last, their lordships did not authorise us to return an answer, because it referred to subjects which it is beyond your competency, in the character of agent for prisoners of war, to discuss, and because, easy as it would have been to have completely answered the misconceptions and misstatements of that letter, it seemed unnecessary to proceed with a correspondence which could conduce to no practical effect.

On the subject of your late application, we are to repeat to you, that neither before the war nor since, has this country been desirous of retaining in its service any bona fide American citizens, but that the flagrant and undeniable abuses of the official documents of American citizenship (to say nothing of the question of naturalizing British subjects) have obliged their lordships to look at all such documents with the utmost distrust.

And if, from the similarity of language and manners, some American seamen have been impressed into his majesty's service, the blame is imputable to those who have permitted the official documents of citizenship to be so prostituted as to be at last wholly undeserving of any attention or respect, and the British government has always regretted that this check (slight as it originally was) has been so infinitely abused, and finally so completely destroyed, not only for the sake of the

Americans themselves, who might thereby suffer the inconvenience of a temporary detention, but for that of the British officers, who were thereby rendered still less capable than before of distinguishing the persons whom it was their duty to impress.

Their lordships, for the reasons already stated, do not enter with you into any explanation of the rules which governed their conduct on this subject before the war; but as far as regards the prisoners of war, sent, either at your or their own request, to prison from his majesty's service, their lordships have no hesitation in stating that they have, in favor of that first principle of civilized society, the allegiance which is due to the land of a man's nativity, been anxious to avoid even the possibility of obliging any American to fight against his country: and they have, therefore, discharged persons from the military service of this country, on evidence of their being Americans, which would not, in ordinary times, have been considered sufficient, even in the opinion and practice of the American consulate here, to obtain their release. And it has happened that several persons have, on their own assertions, or on production of American documents, been so discharged, of whom it has since been discovered that they are natural born subjects of his majesty, and that such assertions were false, or such documents fraudulently obtained.

But while their lordships prefer the risk of losing the services of a British subject to that of obliging an American citizen to continue in arms against his country, they cannot, on evidence loose and unsatisfactory, or without any evidence at all, permit such persons to proceed to the United States to bear arms against this country. We are, there-

fore, to acquaint you that persons discharged to prison from his majesty's service, as being Americans, cannot be released, unless, in each individual case, you shall produce satisfactory proofs that the person, whose exchange you demand, is a natural born American citizen. Whenever such proof shall be produced, the person will be immediately released from prison, upon the usual terms of exchange if he has been a volunteer into our service; or, if an impressed man, freely and without restriction."

Mr. Beasley to Alexander M'Leay, esq. secretary of the transport board.

Harley street, May 29, 1813.

SIR,

I have received the letter addressed to me by the board on the 26th instant, communicating the present intentions of the lords commissioners of the admiralty, respecting the American seamen who have been heretofore detained in the British service.

In making those observations in my letter of the 13th of March, upon this subject, which their lordships consider as entering upon a question beyond my competency to discuss, I was influenced solely by a sense of duty. The topic is, unfortunately, too humiliating to be willingly selected, but, painful as its consideration was to myself, and unwelcome as it appears to have been to their lordships, I cannot regret that I yielded to the necessity of presenting it clearly to their view, since it now appears that their lordships no longer adhere to their determination, that impressed American seamen must continue to serve his Britannic majesty or go to prison, to be released only as prisoners of war.

I cannot but lament, that as their lordships thought it necessary to allude to "misconceptions and misstatements," which they represent that letter to contain, they did not take the trouble to point them out, especially as, in their opinion, they might have been "so easily answered." I lament this the more, as I can discover nothing in it which further reflection and experience do not confirm.

But, whatever ground their lordships' letter affords for retorting such a charge upon themselves, I forbear to notice. If their lordships do see in the fraudulent use of documents of American citizenship by British seamen, any excuse for impressing and detaining American seamen in the British navy, and if they do consider such impressment and detention as only a temporary inconvenience to the American seamen, and if they think that the blame of all such impressment and detention is imputable, as their letter insinuates, to the United States, I should utterly despair that our opinions could ever be brought to coincide, and, consequently, that any practical good could result from any effort of mine to effect it. Happily, however, this is not now necessary. The question does not relate to the abuse of documents of American citizenship, whether resulting from forgeries practised here, or frauds committed in the United States; nor is it essential to inquire whether American seamen have been taken through error or design; nor, whether their impressment and detention be in conformity with long and general practice in the British navy, or contrary to the wishes of the British government. The fact is admitted that American seamen have been impressed and held in the service of Great Britain, and their lordships now declare, that

upon satisfactory proof of this national character, they shall be released, either as prisoners of war, or freely and without restriction. The question then is as to the proof.

But, on entering upon this question, we should not overlook the very important consideration that the greater number of these persons having been taken from American vessels, were, whether they did or did not bear documents of their citizenship, taken against the prima facie evidence of their being American citizens. They were deprived of the benefit of this evidence upon the mere suspicion of persons interested in discrediting it, and they have been detained in the British service without any evidence of their being British subjects. It is the British government, therefore, on which the burden of proof should still lie.

These unfortunate men are, however, in the power of the British government, and it imposes this burden upon them. To this additional hardship they must therefore submit. We come, then, to its operation.

The official documents of American citizenship are declared by their lordships to be "wholly undeserving of any attention or respect," and, in but few instances, has there been opportunity to obtain any other evidence. Thus, there remains scarcely any documentary testimony to offer on behalf of these men, and a very long time must necessarily elapse before it could be received from America. But, with respect to many of them, I am persuaded that no such evidence need be sought; and, to delay the release of those who are clearly Americans, is not, I trust, now intended by their lordships.

To prevent, therefore, in some degree, the hardships to which the measures proposed by their lordships must necessarily subject the far greater

part of these unfortunate men, I would suggest, that their lordships should authorise competent persons to examine those who claim to be Americans, and that such as, in the judgment of these persons, are bona fide Americans, should forthwith be released, according to the terms of their lordships' letter. I will most readily assist at such examinations, and will communicate any documents or papers in my office, which may be considered necessary to facilitate the object. With regard to those who may not be able to satisfy these persons respecting their national character, I will cause proper inquiry to be made at the places to which they respectively claim to belong, and they may be in like manner released, when the proof, which may have been deemed necessary, shall be received.

Their lordships will not, I trust, be withheld from the adoption of these or some other equally fair means of investigating, without delay, the claims of these men by any technical incompetency on my part to offer such suggestions. Whatever may be my powers, their lordships are, at all events, free to adopt such means as may be equitable; and for the desire they express "to favor that which they consider the first principle of civilized society, the allegiance which is due to the land of a man's nativity," (which principle would be scarcely less violated by depriving his country of his assistance in her defence, than by "obliging him to fight against his country,") I would fain hope they will prefer those which will be most effectual to the end. Nor, I persuade myself, will the consideration that the United States are now carrying on war for the redress of the wrong done in the detention of these men, prevent their lordships from redressing the wrong of themselves, not only

because it is the duty of a state to remove all just ground of complaint, even on the part of an enemy, but because, by so doing, they would, in a great degree, supersede the necessity of the continuance of the war.

I cannot close this communication without expressing my anxiety at the total silence of their lordships respecting the numerous representations which have been made by me since the war, of individual cases of impressment. In many of these cases the proof has been such as should not have failed to satisfy their lordships, even disposed as they are to look at all proof in these matters with the utmost distrust, that the men on whose behalf it was offered are bona fide American citizens. Yet, in no instance have I heard of any favorable decisions on their claims. I will hope, however, that the course which their lordships will adopt may speedily remove all those unfavorable impressions, which, with every disposition to give them credit for the most just intentions, could not fail to result from this single fact; that among the thousands of impressed men in the British navy who claim to be Americans, I have not heard of one man who has been freely released and permitted to return to his country since the commencement of hostilities.

I am, sir, your most obt humble servt.

(Signed) R. G. BEASLEY.

Alexander M'Leay, esq. &c. &c. &c.

Mr. Beasley to Mr. Monroe.

London, June 10, 1813.

Sir,

The numerous instances of hardships imposed on American citizens by impressment which came

under my observation when I held the office of consul, could not fail to make a deep impression on my mind. I therefore availed myself of the earliest opportunity to address the British government on the subject. If any incentive had been wanting to this step, I should have found it in the many communications which I daily received from those unfortunate persons; all asking advice, and some complaining of acts of cruelty by British officers, because having heard of the war, they had refused to do service. Relying on the justice and magnanimity of the British government, I considered it would be an insult to demand redress, or even to remonstrate; I therefore contented myself, as you will have seen by my letter to lord Castlereagh on the subject, with merely representing the facts. But if my confidence was great, so has been my disappointment; for an answer to my letter of the 13th October was not returned until the 26th May, notwithstanding I had frequently called it to the attention of the government. And, it appears I owe this answer to the following circumstance: After having waited so many months for the sentiments of the government on a topic involving the happiness of thousands of my countrymen, I was induced, as the season was near at hand when many ships would proceed to foreign stations, to issue a circular in answer to the numerous letters which I had received in the interval, stating that the lords of the admiralty having declined to release American citizens who had been impressed, there appeared to be no other course than to give themselves up as prisoners of war. Not many of these letters reached the parties before I was informed that I "must not correspond with persons in his majesty's fleet; and that my circular contained a statement unfounded

in fact, for neither before the war, nor since, had the lords of the admiralty declined to release Americans admitted or proved to be such." My letter of the 13th March contains my sentiments on these two points; on the latter I have proved the correctness of my statement by letters from under their secretary's own hand. In their reply of the 26th May, they say, easy as it would have been to have completely answered the misconceptions and misstatements of that letter, they decline doing so, because it refers to subjects which it is beyond my competency, in the character of agent for prisoners of war, to discuss. And they repeat, "that neither before the war, nor since, has this country been desirous of retaining in its service any bona fide American citizens;" that at the same time they cannot, on evidence, loose and unsatisfactory, or without any evidence at all, permit persons to proceed to the United States to bear arms against this country; that, therefore, those who have been discharged from his majesty's service to prison, as being Americans, cannot be released unless, in each individual case, satisfactory proof shall be produced that the person whose release is demanded is a natural born American citizen; and that when such proof shall be produced he will be immediately released from prison, upon the usual terms of exchange, if he has been a volunteer, or if an impressed man, freely and without restriction.

To prevent in some degree the hardships of the measure thus proposed, I suggested in my letter of the 29th May, that they "would authorise competent persons to examine those who claim to be Americans, and that such as, in the judgment of these persons, are bona fide Americans, should be forthwith released according to the terms of their

letter." I offered to assist at such examinations, and to communicate any documents or papers in my possession that might be considered necessary to facilitate the object; and, with regard to those who might not be able to satisfy these persons respecting their national character, I would cause proper inquiry to be made at the places to which they respectively claim to belong, concerning the truth of their allegations, that they might in like manner be released when the proofs which might have been deemed necessary should be received.

To this proposition I have just received their answer, stating, "that they have nothing to add to their former communications on this subject, by which they mean to abide."

Now, that you may know what value to place on the repeated assurances contained in that communication, I beg to state, that since the 9th of March last, I have transmitted documents (many of which came authenticated from the department of state) on behalf of 165 persons, impressed and detained on board of British ships, and that they have not thought proper to notice a single case.

What a prospect for those unfortunate men—to linger in prison, or to fight against their country! This is literally their unhappy lot; for it is insulting to talk any longer of evidence, when it is manifest, that none that could be produced would be found satisfactory; when they refuse even to examine the cases; and when the very language the victims speak is considered prima facie evidence against them.

I have the honor to be, &c. &c.

(Signed) R. G. BEASLEY.

The hon. James Monroe, &c. &c. &c.

Extract of a letter from Mr. Beasley to Mr. Monroe, dated

"London, July 5, 1813.

"Notwithstanding the fair promises made some time ago relative to our citizens who had been impressed, there is scarcely an instance of a discharge from the prison ships."

From Mr. Beasley to Mr. Croker.

No. 65, Harley street, July 13, 1813.

SIR,

I transmit herewith the copy of an application which I made to the transport board, on behalf of Jonathan Bigelow, the bearer hereof, an impressed American seaman, as, also, of the answer I have received.

I now transmit documents in proof of his being an American, as mentioned on the other side, and I have to request, that he may be discharged from his Britannic majesty's service, in conformity to the determination of the lords commissioners of the admiralty respecting American seamen, as communicated to me by the transport board in their letter of 26th April last.

I am, sir, &c.

(Signed) R. G. BEASLEY.

Certificate of his birth granted by the townclerk of the place wherein he was born, and certificate of his parents being inhabitants of said place, authenticated by a notary public; and a protection granted by the collector of the district of Penobscot, dated 23d May, 1810.

J. W. Croker, esq. admiralty office.

Mr. Barrow to Mr. Beasley, dated
Admiralty office, July 14, 1813.

Sir,

Having laid before my lords commissioners of the admiralty your letter of yesterday's date, and its enclosures, requesting the discharge of Jonathan Bigelow, an American, belonging to his majesty's ship Cornelia, I have their lordships' commands to acquaint you, this man must join his ship in order that the necessary inquiries may be made into his case. I herewith return the documents; and am, sir, &c.

(Signed) JOHN BARROW.

Copy of a letter from Mr. Beasley to Mr. Monroe, dated
London, September 1, 1813.

Sir,

I beg leave to call your attention to the case of Jonathan Bigelow, an American seaman, who was impressed into the British service in the year 1807, and has been held therein ever since. In the month of July last, this man being then on leave of absence from the Cornelia, applied to me to procure his discharge from that ship. I made a request to that effect to the transport board, informing them that I had examined him, was satisfied he was an American citizen, and that I had documents in my possession, proving that he was a native of Boston, in the state of Massachusetts. To this, I received an answer, stating, that that board had no authority to discharge him, but that the documents referred to, should be submitted to the lords commissioners of the admiralty, and that in the mean time he must rejoin his ship at the expiration of his leave, or otherwise he would be

liable to be apprehended as a deserter. I immediately made an application to the admiralty, of which I transmit herewith a copy, and received an answer, a copy of which is also enclosed, stating, that he must join his ship, in order that the necessary inquiries might be made into his case. Having no means at that time of sending him immediately to the United States, and being fearful that he might be apprehended at the expiration of his leave and treated harshly, besides being considered as a prisoner of war, I consented to his returning to the ship accordingly. Hearing from the man after having returned to the service, that no steps had been taken in his case, but that on the contrary he had been drafted to serve in another ship, I again addressed a letter to the lords of the admiralty, recalling his case to their consideration, and repeating my request, that he might be discharged. To this I have yet received no answer, and I have just received a letter from the man himself, stating, that the Cydnus, to which ship he has been drafted, is on the point of sailing for the West Indies.

In this extraordinary case, I would particularly call your attention to the circumstance of the lords of the admiralty desiring, after being put in possession of the documents transmitted in proof of his American nativity, that he should *return* to the British service, for the purpose, it was alleged, of making the necessary inquiries into his case; their having since taken no notice of it whatever, even after my renewed request, is a clear proof that his discharge was not intended, even should the result of inquiry respecting him be the most satisfactory, and that that motive for desiring his return, was assigned merely for the purpose of again obtaining possession of him.

By a letter addressed to me by the transport board on the 26th of May last, a copy of which I had the honor of transmitting to you some time ago, the British government engaged, that persons discharged to prison from his Britannic majesty's service as being Americans, upon my producing satisfactory proofs that they were natural born Americans, should be immediately released from prison, upon the usual terms of exchange, if they had volunteered into the service, or if impressed men, freely and without restriction. The case of Bigelow, and the fact, that, in the months of March and April last, I transmitted documents, and made representations, in behalf of 165 unfortunate persons, without having yet ever received a reply to any one case, must convince, even those best inclined to believe it, how little the practice of the British government accords with its profession in favor of impressed American seamen.

I have the honor to be, &c.

(Signed) R. G. BEASLEY.

Honorable James Monroe,
secretary of state.

Extract of a letter from R. G. Beasley to John Mason, esq. dated,

London, November 25, 1813.

"I transmit herewith copies of a correspondence which I have lately had with the transport board, relative to some seamen who have been surrendered to prison, as Americans, from British ships of war, from which you will perceive the little prospect which the many unfortunate men in the same situation have of being released on documentary evidence. I shall nevertheless continue my exertions in their behalf."

Copy of a letter from Mr. Beasley to Mr. M'Leay, dated, 18th September, 1813.

I have to recall to the consideration of the board the cases of several persons claiming to be American citizens, on whose behalf I transmitted particular statements and evidence some time ago, namely, on the 9th of March last, on behalf of ninety five persons; on the 7th of April, on behalf of thirty; and on the 24th of April of forty persons The only information which I have received from the board relative to them is obtained from the lists of American prisoners which have been transmitted to me; from which it appears that some of those persons have been discharged from the British service as Americans, and sent to prison, some of them, however, are still compelled to remain in the service. I have, therefore, now to request that such of these persons, and those who have been discharged to prison, whose claims to be American citizens appear to be well founded, may be immediately discharged, and allowed to return to the United States.

I transmit herewith particular statements and evidence relative to nineteen seamen, who have been discharged from British ships of war, and are now confined on board the prison Nassau, at Chatham, and as the evidence of their being Americans, must, I conceive, be considered quite satisfactory, I trust there will be no difficulty in granting their release, in conformity to the assurance contained in your letter of the 26th of May last.

I am, sir, &c.

(Signed) R. G. BEASLEY.

Alexander M'Leay, esq. transport office.

Copy of the statement made on behalf of William Dews, one of the 19 seamen before mentioned.

It appears from the books of the American consulate office at London, that in October, 1809, this man was ordered by the lords commissioners of the admiralty to be discharged, as an American, from the Princess of Orange; the protection herewith transmitted, is the same which was at that time offered on his behalf by the consul.

Copy of a letter from Mr. M'Leay to Mr. Beasley, dated

Transport office, 20th Oct. 1813.

Sir,

I have received and laid before the commissioners for the transport service, &c. your letter of the 18th ultimo, with its enclosures, claiming the release of 19 American seamen, represented to have been discharged from British ships of war, and to be now confined as prisoners of war on board the Nassau prison-ship at Chatham; and in reply, I am commanded to acquaint you, that your said application having been submitted to the consideration of the right honorable the lords commissioners of the admiralty, their lordships have directed the board to acquaint you that William Dews, one of the persons in question, was not discharged in 1809 as represented; that he was not again impressed as represented; and that his documents, as well as all the others, excepting Brainards, (whose release was ordered on the 25th ultimo,) are of that description which have been so notoriously fraudulent, that their lordships do not feel satisfied in paying any attention to them; and that they, therefore, cannot, without satisfac-

ry proof, release, as Americans, persons who have been lately serving in his majesty's ships.

I am, sir, &c.

(Signed) ALEX. M'LEAY,
secretary.

R. G. Beasley, esq. &c.

Commodore Rodgers' letter to the secretary of the navy, with respect to American seamen on board British ships of war.

United States' frigate President,
Boston, January 14, 1813.

SIR,

Herewith you will receive two muster books of his Britannic majesty's vessels Moselle and Sappho, found on board the British packet Swallow.

As the British have always denied that they detained on board their ships of war American citizens, knowing them to be such, I send you the enclosed, as a public document of their own, to prove how illy such an assertion accords with their practice.

It will appear by these two muster books that so late as August last, about an eighth part of the Moselle and Sappho's crews were Americans; consequently, if there is only a quarter part of that proportion on board their other vessels, that they have an infinitely greater number of Americans in their service than any *American* has yet had an idea of.

Any further comment of mine on this subject, I consider unnecessary, as the enclosed documents speak but too plainly for themselves.

I have the honor to be,
With the greatest respect,
Sir, your obedient servant,
JNO. RODGERS.

The honorable Paul Hamilton,
secretary of the navy, Washington.

Correspondence between general Taylor and captain Barrie, concerning James Balfour, an impressed seaman on board the Dragon.

Copy of a letter from general Taylor to captain Barrie, dated Headquarters, Norfolk, 15th Nov. 1813.

SIR,

Major Somerville, of Maryland, transmitted to me, a few days ago, a letter from *James Balfour*, now on board your ship, to Robert Brough; which letter, he stated, had been given to him by you, accompanied by your assurance "that the man would be immediately released on his procuring satisfactory evidence of his birth place."

I now transmit to you such affidavits as I presume will be entirely satisfactory. I will vouch to you, sir, for the veracity and respectability of the persons who make them; and you will have the best opportunity of testing them by inquiry of the man himself, of the facts stated in them, which, if not true, he cannot corroborate, as there has been no means of concert between him and the persons making them.

Captain Myers, who will have the honor to deliver this, is accompanied by a person to identify Balfour.

I cannot conclude this letter without expressing my sense of the candor and liberality with which you have acted in this affair, and offering you the assurance of my perfect consideration.

I have the honor to be, &c. &c.

(Signed) ROBERT B. TAYLOR,
brigadier general.

The senior officer, &c. &c.

Copy of a letter from captain Robert Barrie, of his Britannic majesty's ship Dragon, to brigadier general Robert Taylor, dated Lynhaven Bay, 20th Nov. 1813.

SIR,

I have the honor to acknowledge the receipt of your letter of the 15th inst., with its enclosures, relative to the identity of James Balfour.

Major Somerville must have misunderstood my meaning, when he stated me to have assured him, "that the man would be immediately released, on his procuring satisfactory evidence of his birth place." What I intended the major to understand, was, that on procuring the necessary evidence I would discharge the man from the service, but as to granting his unconditional release, it is beyond my power.

If it were not, your testimony of the respectability of the parties who have made the affidavits of Balfour's citizenship, would be sufficient evidence with me to order his discharge immediately.

I represented this man's case to my superior officer in March last; his reply I have shown to captain Myers, in which I am directed to dispose of all persons in Balfour's situation as prisoners of war. All I can therefore do, is to send the man to Bermuda as a prisoner. I will also forward the documents you have handed me to my superior officer there, accompanied by my conviction that Balfour is an American, and I will write to sir John Warren to request that he will order Balfour to be released, or at least admitted to parole, and I have no doubt, he will comply with my request.

I beg to assure you I shall always feel great satisfaction in giving you every proof of my respectful consideration.

(Signed) ROBERT BARRIE.

Brigadier general Taylor, &c. &c. &c.

Extract of a letter from general Taylor to the secretary of war, dated Headquarters, Norfolk, Nov. 23, 1813.

"Herewith I transmit copies of a letter addressed by me to the officer commanding the enemy's squadron in Lynhaven, and of captain Barrie's reply, on the subject of an American on board the Dragon, James Balfour.

"This man has been twice impressed into the British service, and has been the last time detained some years."

Correspondence between commodore Decatur and captain Capel, concerning Hiram Thayer, an impressed American seaman.

(Copy.)

U. S. ship United States, near
New-London, March 18, 1814

SIR,

I have the honor to forward to you, enclosed, a despatch received by me from captain Capel, the commanding officer of the British squadron before this port, written in reply to an application of mine for the release of an American seamen, detained against his will, on board the frigate Statira.

Hiram Thayer, born in the town of Greenwich, in the county of Hampshire, and commonwealth of Massachusetts, was impressed into the naval service of Great Britain, in the month of August, 1803, and detained ever since; about six years ago, when the Statira was put in commission, he was transferred to her, and has been constantly on board her to this day.

I am informed, and in fact it was stated by captain Stackpole, to lieutenant Hamilton, who was charged with the flag, that the late general Lyman, our consul at London, made application to

the lords commissioners for the discharge of Thayer, but they were not satisfied with the evidence of his nativity.

John Thayer, the father of Hiram, assures me that the certificate of the selectmen, the town clerk, and the minister of Greenwich, were forwarded some time ago to Mr. Mitchell, the resident agent for American prisoners of war at Halifax, but does not know the reason why he was not released there.

The son has written to his father, and informed him that on his representing to captain Stackpole, that he was an American citizen, and would not fight against his country, that captain Stackpole told him "if they fell in with an American man of war, and he did not do his duty, he should be tied to the mast and shot at like a dog."

On Monday the 14th inst. John Thayer requested me to allow him a flag to go off to the enemy, and ask for the release of his son. This I granted at once, and addressed a note to captain Capel, stating that I felt persuaded that the application of the father, furnished as he was with conclusive evidence of the nativity and the identity of the son, would induce an immediate order for his discharge The reply is enclosed. The son described his father at a distance in the boat, and told the first lieutenant of the Statira that it was his father, and I understand the feelings manifested by the old man on receiving the hand of his son, proved, beyond all other evidence, the property he had in him. There was not a doubt left on the mind of a single British officer, of Hiram Tayer's being an American citizen, and yet he is detained, not as a prisoner of war, but compelled, under the most cruel threats, to serve the enemies of his country.

Thayer has so recommended himself by his sobriety, industry, and seamanship, as to be appointed a boatswain's mate, and is now serving in that capacity in the Statira, and he says there is due to him from the British government about two hundred and fifty pounds sterling. He has also assured his father, that he has always refused to receive any bounty or advance, lest it might afford some pretext for delaying his discharge, whenever a proper application should be made for it.

I am, sir,

With the highest consideration &c.

STEPHEN DECATUR.

The honorable W. Jones.

(Copy.) His Britannic majesty's ship La Hogue,
off New London, the 11th March, 1811.

SIR,

I have the honor to acknowledge the receipt of your letter, together with the certificates of exchange and discharge from parole, forwarded to you at the request of colonel Barclay, the commissary general of British prisoners of war, and I beg to return you my thanks for your polite attention.

I regret that it is not in my power to comply with your request in ordering the son of Mr. John Thayer to be discharged from his majesty's ship Statira, but I will forward your application to the commander in chief by the earliest opportunity, and I have no doubt he will order his immediate discharge

I am, sir, with great consideration, &c. &c.

THOS. BLADEN CAPELL,

Capt. com. H. B. majesty's squadron off New London.

To commodore Decatur, commanding the
United States' squadron. New London.

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